

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LHB INSURANCE BROKERAGE INC., On  
Behalf Of Itself And All Others Similarly Situated,

Plaintiff,

vs.

CITIGROUP INC. and CITIGROUP GLOBAL  
MARKETS, INC.,

Defendants.

Civil Action No. 08-CV-3095 (LTS)

*[additional captions follow]*

**DECLARATION OF KENT A. BRONSON IN FURTHER SUPPORT OF THE MOTION  
OF WEDGEWOOD TACOMA LLC AND JEMSTONE LLC FOR APPOINTMENT AS  
LEAD PLAINTIFF, APPROVAL OF SELECTION OF LEAD COUNSEL, AND IN  
OPPOSITION TO COMPETING MOTIONS**

**MILBERG LLP**

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*Proposed Lead Counsel for the Class*

LISA SWANSON, Individually And On Behalf of All Others Similarly Situated,

Plaintiff,

vs.

CITIGROUP INC., CITIGROUP GLOBAL MARKETS, INC. AND CITI SMITH BARNEY,

Defendants.

Civil Action No. 08-CV-3139 (LTS)

SAMUEL A. STOCKHAMER and ALICE L. STOCKHAMER, On Behalf of Themselves and All Others Similarly Situated,

Plaintiffs,

vs.

CITIGROUP INC. and CITIGROUP GLOBAL CAPITAL MARKETS, INC.

Defendants.

Civil Action No. 08-CV-3904 (LTS)

WEDGEWOOD TACOMA LLC, Individually And On Behalf of All Others Similarly Situated,

Plaintiff,

vs.

CITIGROUP INC., CITIGROUP GLOBAL MARKETS, INC., and CITI SMITH BARNEY,

Defendants.

Civil Action No. 08-CV-4360 (LTS)

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SAED GHALAYINI, Individually And On Behalf  
of All Others Similarly Situated,

Plaintiff,

vs.

CITIGROUP INC., CITIGROUP GLOBAL  
MARKETS, INC., and CITI SMITH BARNEY,

Defendants.

Civil Action No. 08-CV-5016

I, Kent A. Bronson, under penalties of perjury, hereby declare:

1. I am a member of Milberg LLP. I submit this declaration in further support of the motion of Wedgewood Tacoma LLC and Jemstone LLC for appointment as Lead Plaintiff, approval of their selection of Lead Counsel, and in opposition to competing lead plaintiff motions.

2. Attached hereto as Exhibit A is a true and correct copy of an affidavit of Kurtis R. Mayer dated June 16, 2008.

3. Attached hereto as Exhibit B is a true and correct copy of a news release entitled “Calamos Announces Redemption Dates of Auction Rate Preferred Securities for Calamos Total Return and Calamos Strategic Total Return Funds” dated April 25, 2008.

4. Attached hereto as Exhibit C is a true and correct copy of a news release entitled “Calamos Announces Redemption Dates of Auction Rate Preferred Securities for Calamos Convertible Opportunities and Income Fund and Calamos Convertible and High Income Fund” dated May 19, 2008.

5. Attached hereto as Exhibit D is a true and correct copy of a news release entitled “BlackRock Announces Refinancing of Auction Rate Preferred Shares Issued by BlackRock Tax-Exempt Fixed Income Closed-End Funds” dated June 2, 2008.

6. Attached hereto as Exhibit E is a true and correct copy of a March 27, 1995 letter from the New York State Board for Professional Medical Conduct, attaching various documents In The Matter of Michael Anthony Passidomo, M.D., including a Consent Order, BPMC #95-66 (dated March 23, 1995); an Application for Consent Order dated March, 1995 (with several exhibits thereto).

7. Attached hereto as Exhibit F is a true and correct copy of a “Physician Profile” from the Federation of State Medical Boards concerning Michael Anthony Passidomo, M.D.

8. Attached hereto as Exhibit G is a true and correct copy of two news articles entitled "Number of Physicians Disciplined in 1994 Down," dated February 16, 1995, and "293 W.Va. physicians have been disciplined for various misdeeds" dated July 30, 2003, both from the Charleston Daily Mail (West Virginia).

9. Attached hereto as Exhibit H is a true and correct copy of a letter from the New York State Board of Professional Medical Conduct dated March 5, 1997, attaching certain documents In the Matter of Michael A. Passidomo, M.D., including certain pages of an Application to Surrender License #118872 Upon Modification of Order #BPMC 95-66, #BPMC 97-54.

10. Attached hereto as Exhibit I is a true and correct copy of an opinion issued by the Commonwealth of Kentucky Court of Appeals, reportedly rendered on December 5, 2003, in Case No. 2002-CA-002326-MR.

11. Attached hereto as Exhibit J are true and correct copies of two news releases entitled "Nuveen Multi-Strategy Income and Growth Fund 2 Issues Second At-Par Redemption Notices for Auction-Rate Securities" dated May 22, 2008, and "Nuveen Multi-Strategy Income and Growth Fund 2 Issues At-Par Redemption Notices for Auction-Rate Securities" dated April 18, 2008, respectively.

12. Attached hereto as Exhibit K is a true and correct copy of a news release entitled "Franklin Templeton Limited Duration Income Trust Announces Refinancing of Certain Auction Rate Preferred Shares" dated May 21, 2008.

13. Attached hereto as Exhibit L is a true and correct copy of a news release entitled "Legg Mason Seeks Liquidity Solutions for Auction Rate Preferred Securities Issued by LMP and Western Asset Closed-End Funds" dated March 28, 2008.

14. Attached hereto as Exhibit M is a true and correct copy of a printout headed "LHB Insurance Brokerage", containing an address listing therefore, from the website <http://www.lhbinsurance.com/>.

15. Attached hereto as Exhibit N is a true and correct copy of a news release entitled "Eaton Vance Announces Plan for Three Municipal Income Close-end Funds to Redeem Approximately \$580 Million of Auction Preferred Shares" dated April 23, 2008.

16. Attached hereto as Exhibit O is a true and correct copy of a news release entitled "Nuveen Investments Announces Board Approval of Tender Option Bond Refinancing for Auction-Rate Preferred Shares in Municipal Closed-End Funds" dated June 11, 2008.

Dated: June 16, 2008

Respectfully submitted,

**MILBERG LLP**

By: /s/ Kent A. Bronson  
Kent A. Bronson (KB-4906)  
One Pennsylvania Plaza, 49th Floor  
New York, New York 10119  
Telephone: (212) 594-5300  
Facsimile: (212) 868-1229  
[kbronson@milberg.com](mailto:kbronson@milberg.com)

# EXHIBIT A

STATE OF WASHINGTON )  
                         ) ss.  
COUNTY OF PIERCE    )

I, Kurtis R. Mayer, being duly sworn, depose and say:

1. I submit this affidavit in support of the Motion of Wedgewood Tacoma LLC and Jemstone LLC (the "Wedgewood Movants") for appointment as Lead Plaintiffs, and in opposition to competing lead plaintiff motions.

2. The Wedgewood Movants are two family-owned and managed limited liability companies, and are owned and/or managed by members of the same immediate family. Specifically, Movant Wedgewood Tacoma LLC is majority owned by myself and my wife, Pamela Mayer. Pamela and our son, Joseph Mayer are managers of Wedgewood Tacoma LLC. Movant Jemstone LLC is majority owned and is managed by our son, Joseph Mayer.

3. I graduated from Lowell High School, San Francisco in 1948 and attended the University of Pacific in Stockton, California from 1948-1951 and Hastings Law School in 1951-1952. I spent the next two years in the United States Army during the Korean War (from 1952-1954) and served as an interpreter in the Judge Advocate's Section in Nuremberg, Germany. Upon discharge from the military, I attended a second year of law school in 1954-1955 at the University of San Francisco School of Law. After deciding that law would not be my life's vocation, I worked as an Assistant Field Director for the American Red Cross from 1955-1957 and assisted military families with personal and financial problems.

4. I and my family have been involved in the building industry in Washington State for approximately fifty years. In 1957, I formed a building company in Tacoma known as Mayer & Peterson, a volume home builder in the Tacoma area. In 1964, I formed Mayer Built Homes, Inc. specializing in subsidized and affordable housing. In 1968, Mayer Built Homes expanded to Boise, Idaho and Denver, Colorado and developed land and built multi-family units,

apartments, condominiums, cooperatives and several thousand single-family homes, among other individual projects. Mayer Built Homes, Inc. is now operated by my son, Joseph Mayer, and I act as a consultant to my son as well as managing an investment portfolio of several hundred apartment units and single family homes.

5. From 1988 to 1994, I was a member of the Pierce County Planning Commission and helped develop the Comprehensive Plan for Pierce County under the Washington State Growth Management Act. I also served on the Parkland/Spanaway Comprehensive Plan Advisory Committee and was a Board member for the Martin Luther King Housing Development Association from 1989 to 1993.

6. During my many years in the Tacoma community, I have advised numerous organizations on the development and feasibility of low-income housing. I testified before the United States House of Representatives Sub-Committee on Banking on issues dealing with housing and lectured at the National Association of Home Builders in Las Vegas on the first federally-subsidized cooperative ever constructed in Washington State.

7. Through the years, I and my wife have also been involved in several significant legal cases, including *Rainier View Assoc. v. United States, Dep't of Housing and Urban Development*, No. CV-83-997-R (W.D. Wash.), in which we brought an action against the federal government in 1983 for violation of Housing and Urban Development contracts. We also brought what we feel is an important consumer protection action, *Kurtis R. Mayer et al vs. Sto Industries*, Docket No. 91-2-04168-5 (Superior Court, Pierce County, Washington) which was litigated over an eleven-year period, and was recently the subject of a decision by the Washington State Supreme Court. Accordingly, we have substantial experience working with and supervising lawyers and litigation, and are willing to pursue significant litigation to conclusion.

8. I and my family have been active in philanthropy and in the Tacoma community for many years. For example, since 1975, I have supported the Pacific Lutheran University Q Club which provides scholarships and financial assistance to qualifying students. I have served as an advisor to the Pacific Lutheran University Collegium to develop business strategies for the University, and have lectured at the School of Business Administration on various aspects of business management. I also served three terms on the Board of Regents for Pacific Lutheran University and was a member of the Real Estate Advisory Committee. My wife Pam is a founding member of the Pacific Lutheran University Society for the Arts, is past president of the Board of Greater Lakes Mental Health Foundation, and is currently a board member for the Tacoma Art Museum and has served on the boards of numerous non-profit organizations. Also, I have served as a board member for the Tacoma Philharmonic. We have also been substantial financial contributors to the local arts community, to Tacoma General Hospital and Charles Wright Academy and many other local charitable institutions.

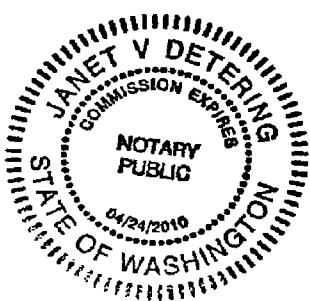
9. I and my family are willing and able to provide further information which the Court might feel is pertinent to its pending decision to appoint lead plaintiffs in this litigation.

Dated: June 16, 2008

Kurtis R. Mayer  
Kurtis R. Mayer

Sworn to before me this 16th day  
of June, 2008.

Janet V. Detering  
Janet V. Detering  
Notary Public in and for the State of  
Washington, residing at Tacoma.  
My commission expires 4-24-2010.



# EXHIBIT B

PRN                    Calamos Announces Redemption Dates of Auction Rate Preferred  
Apr 25 2008 18:00:06

Securities for Calamos Global Total Return and Calamos Strategic Total Return Funds

NAPERVILLE, Ill., April 25 /PRNewswire-FirstCall/ -- Calamos Investments today announced the auction rate preferred securities redemption dates for the Calamos Global Total Return Fund (NYSE: CGO) and the Calamos Strategic Total Return Fund (NYSE: CSQ). As announced earlier this week, Calamos has secured an alternative form of borrowing that will enable, based on current market conditions, CGO to redeem all of its \$59 million of outstanding ARPs and CSQ to redeem approximately 81.5% or \$880 million of its outstanding ARPs.

The redemption amounts and dates are as follows:

CGO				
Auction Series	Shares Outstanding	Percent to be Redeemed	Amount to be Redeemed	Redemption Date
Tuesday	2,360	100.0 %	\$59,000,000	May 13, 2008
CSQ Auction Series	Shares Outstanding	Percent to be Redeemed	Amount to be Redeemed	Redemption Date
Monday	7,040	81.5 %	\$143,400,000	May 12, 2008
Tuesday	7,040	81.5 %	\$143,400,000	May 13, 2008
Wednesday	7,040	81.5 %	\$143,400,000	May 14, 2008
Thursday	7,040	81.5 %	\$143,400,000	May 15, 2008
Friday	7,040	81.5 %	\$143,400,000	May 16, 2008
A (28-Day)	4,000	81.5 %	\$81,500,000	May 28, 2008
B (28-Day)	4,000	81.5 %	\$81,500,000	May 29, 2008

Additional information regarding the redemptions will be discussed on a conference call to be held Monday, April 28 at 2:00 pm ET/1:00 pm CT. The conference call is accessible by dialing one of the following numbers:

Participant Dial-in:

\*U.S./Canada Dial-in #: 800.379.3942

\*Int'l/Local Dial-in #: 706.679.7206

Conference ID #: 44914033

You may also listen online: <http://audioevent.mshow.com/344153/>

Following the call, a replay will be available beginning at 5:00 pm ET/4:00 pm CT. To access the telephone replay, call the number listed below and provide the conference ID number:

PRN Calamos Announces Redemption Dates of Auction Rate Preferred  
Apr 25 2008 18:00:06  
Replay info:  
Encore Dial-in #: 800.642.1687 or 706.645.9291  
Encore Dates: 04/28/2008 - 05/06/2008 (end of day)  
Conference ID #: 44914033

#### About Calamos

Calamos Investments is a diversified investment firm offering equity, fixed-income, convertible and alternative investment strategies, among others. The firm serves institutions and individuals via separately managed accounts and a family of open-end and closed-end funds, providing a risk-managed approach to capital appreciation and income-producing strategies. For more information, visit <http://www.calamos.com/closedendfunds/default.aspx>.

From time to time, information or statements provided by us, including those within this news release, may contain certain forward-looking statements relating to future events, future transactions, future financial performance, future potential costs, expectations, the competitive and regulatory environment and future market conditions. Forward-looking statements are based on information available at the time those statements are made and/or management's good faith belief as of that time with respect to future events, and are subject to risks and uncertainties that could cause actual performance or results to differ materially from those expressed in or suggested by the forward-looking statements. Such risks and uncertainties include, but are not limited to: catastrophic or unpredictable events, changing costs of leverage, strategy implementation obstacles, fluctuations in the financial markets and the competitive conditions in the fund, asset management and broader financial services sectors and other risks inherent in the financial and trading markets, including liquidity issues.

SOURCE Calamos Investments

#### CONTACT:

Ken Fincher, Vice President of Calamos Advisors LLC, +1-630-245-1076,  
[kfincher@calamos.com](mailto:kfincher@calamos.com)  
-0- Apr/25/2008 22:00 GMT

# EXHIBIT C

PRN                    Calamos Announces Redemption Dates of Auction Rate Preferred  
May 19 2008 18:00:06

Securities for Calamos Convertible Opportunities and Income Fund and Calamos Convertible and High Income Fund

NAPERVILLE, Ill., May 19 /PRNewswire-FirstCall/ -- Calamos Investments today announced the auction rate preferred securities redemption dates for Calamos Convertible Opportunities and Income Fund (NYSE: CHI) and Calamos Convertible and High Income Fund (NYSE: CHY). As announced last week, Calamos has secured an alternative form of borrowing that will enable, based on current market conditions, CHI and CHY to redeem approximately 72.9% and 81.4% respectively of their outstanding ARPs.

The redemption amounts and dates are as follows:

CHI Auction Series	CUSIP	Shares to be redeemed/outstanding	Redemption Percent	Redemption Date
Monday	128117207	1,488/2,040	72.9%	June 2, 2008
Tuesday (28 day)	128117306	1,488/2,040	72.9%	June 24, 2008
Wednesday	128117405	1,487/2,040	72.9%	June 4, 2008
Thursday <sup>7</sup>	128117702	1,750/2,400	72.9%	June 5, 2008
Friday <sup>7</sup>	128117801	1,750/2,400	72.9%	June 6, 2008
Wednesday <sup>28</sup>	128117603	1,750/2,400	72.9%	June 18, 2008
Thursday (28 day)	128117504	1,487/2,040	72.9%	June 26, 2008

CHY Auction Series	CUSIP	Shares to be redeemed/outstanding	Redemption Percent	Redemption Date
Monday	12811P207	2,442/3,000	81.4%	June 2, 2008
Tuesday	12811P306	2,442/3,000	81.4%	June 3, 2008
Wednesday	12811P405	2,442/3,000	81.4%	June 4, 2008
Thursday	12811P504	2,442/3,000	81.4%	June 5, 2008
Friday	12811P603	2,442/3,000	81.4%	June 6, 2008
Series A (28 day)	12811P702	1,790/2,200	81.4%	June 25, 2008

Additional information regarding the redemptions was discussed on a conference call held earlier today at 12:00 pm ET/11:00 am CT. A replay will be available beginning at 5:00 pm ET/4:00 pm CT today. To access the telephone replay, call the number listed below and provide the conference ID number:

Replay info:

Encore Dial-in #: 800.642.1687 or 706. 645.9291

Encore Dates: 05/19/2008 - 06/02/2008 (end of day)

PRN Calamos Announces Redemption Dates of Auction Rate Preferred  
May 19 2008 18:00:06  
Conference ID #: 48122309  
You may also listen online: <http://audioevent.mshow.com/344735/>

#### About Calamos

Calamos Investments is a diversified investment firm offering equity, fixed-income, convertible and alternative investment strategies, among others. The firm serves institutions and individuals via separately managed accounts and a family of open-end and closed-end funds, providing a risk-managed approach to capital appreciation and income-producing strategies. For more information, visit <http://www.calamos.com/closedendfunds/default.aspx>.

From time to time, information or statements provided by us, including those within this news release, may contain certain forward-looking statements relating to future events, future transactions, future financial performance, future potential costs, expectations, the competitive and regulatory environment and future market conditions. Forward-looking statements are based on information available at the time those statements are made and/or management's good faith belief as of that time with respect to future events, and are subject to risks and uncertainties that could cause actual performance or results to differ materially from those expressed in or suggested by the forward-looking statements. Such risks and uncertainties include, but are not limited to: catastrophic or unpredictable events, changing costs of leverage, strategy implementation obstacles, fluctuations in the financial markets and the competitive conditions in the fund, asset management and broader financial services sectors and other risks inherent in the financial and trading markets, including liquidity issues.

SOURCE Calamos Investments

#### CONTACT:

Ken Fincher, Vice President of Calamos Advisors LLC, +1-630-245-1076,  
[kfincher@calamos.com](mailto:kfincher@calamos.com)  
-0- May/19/2008 22:00 GMT

# EXHIBIT D

BUS BlackRock Announces Refinancing of Auction Rate Preferred  
Jun 2 2008 17:04:01

Shares Issued by BlackRock Tax-Exempt Fixed Income Closed-End Funds

NEW YORK--(BUSINESS WIRE)--June 02, 2008

BlackRock, Inc. (NYSE:BLK) today announced the dates for the partial redemptions of auction rate preferred shares (ARPS) issued by 56 of the 61 BlackRock tax-exempt fixed income closed-end funds that utilize these securities. The announced redemptions total \$1.6 billion and represent approximately 20% of the total outstanding ARPS issued by BlackRock's tax-exempt closed-end funds.

This redemption announcement follows the Company's April 15, 2008 press release in which BlackRock provided initial information regarding approximately \$1 billion in refinancing of its outstanding tax-exempt ARPS with tender option bonds (TOBs). The figure announced today exceeds that initial estimate with respect to tax-exempt ARPS by 60% and places total redemptions thus far announced for ARPS issued by BlackRock taxable and tax-exempt funds at more than \$2.4 billion, or 25% of BlackRock's total outstanding ARPS.

"We are pleased to make this announcement today on the partial refinancing of tax-exempt ARPS through the use of TOBs," said Robert S. Kapito, President of BlackRock. "BlackRock is one of the first firms in the industry to announce redemptions utilizing TOBs and, to date, this announcement represents the largest tax-exempt ARPS redemption. BlackRock believes this is a meaningful step that balances the interests of both preferred and common shareholders. We continue to work diligently to address liquidity issues for both taxable and tax-exempt ARPS still outstanding."

The amount of ARPS being redeemed at this time varies by fund and ranges from 2% to 42% of the ARPS outstanding for each fund. The use of TOBs as replacement financing, which has been approved by each fund's Board of Directors, is expected to lower the cost of leverage for common shareholders, while providing liquidity, at liquidation preference, for certain preferred shareholders.

As previously indicated, the ability to utilize TOBs in place of ARPS varies by each fund based, in part, on the eligibility of its underlying bonds for TOBs programs. ARPS refinancing utilizing TOBs was not feasible for certain of BlackRock's smaller funds and/or certain state-specific funds where the availability of bonds eligible for creating TOBs was limited. The extent to which a fund is able to use TOBs to redeem ARPS depends on market conditions, a fund's portfolio composition, the cost of liquidity and the willingness of liquidity providers to support TOBs, among other factors.

This new financing seeks to balance the immediate benefit of a lower cost of financing for the common shareholders and liquidity for a portion of the holders of ARPS against the relative risks that the maximum rates on the ARPS may rise and the risk that TOBs may become more expensive in the future or unavailable in the future.

BUS BlackRock Announces Refinancing of Auction Rate Preferred  
Jun 2 2008 17:04:01

Redemptions will be allocated pro rata among the various series in each fund. The Depository Trust Company (DTC), the securities' holder of record, will determine by random lottery how a partial series redemption will be allocated among each participant broker-dealer account and each participant broker-dealer determines how to allocate each redemption among the holders of the relevant series of ARPS held by it.

For more information on the specific BlackRock tax-exempt fixed income closed-end fund ARPS that are to be redeemed, including CUSIP numbers and redemption dates, please see the redemption schedule included in this press release.

Progress on the Development of Liquidity Enhanced Adjustable Rate Securities (LEARNS)

In seeking to engineer a broad-based solution for ARPS still outstanding, BlackRock also announced its progress in developing a money market fund eligible instrument, Liquidity Enhanced Adjustable Rate Securities (LEARNS). LEARNS require a structural enhancement to be made to the current ARPS structure by either adding a "put" feature to a third party liquidity provider or issuing a new form of preferred stock that includes the put feature. Existing ARPS, as currently structured, are not eligible for purchase by money market funds.

BlackRock is working diligently to construct an industry-wide solution and has made significant progress toward this goal. BlackRock has held discussions with potential liquidity providers, auction market participants and money market funds. It is anticipated that certain aspects of the LEARNS will require regulatory approval. In that regard, BlackRock is engaged in substantive, on-going dialogue with the Treasury Department, the Internal Revenue Service and the Securities and Exchange Commission and has submitted informal requests for regulatory guidance to these organizations. BlackRock continues to work closely with regulators and has liaised with the Investment Company Institute in attempting to solve this complex challenge. BlackRock believes that the development of a successful LEARNS structure would present a comprehensive solution that would be available to all industry participants with ARPS outstanding.

BlackRock's ability to successfully develop LEARNS will depend on market conditions, the willingness of money market funds and/or other institutional investors to invest in such securities, the ability to obtain necessary ratings, the need to comply with applicable laws and regulations, and the agreement by all parties, including the liquidity provider and others, to final terms of the transaction, among other factors. In addition, there can be no guarantee that the necessary regulatory approval will be obtained or these solutions can be implemented.

BlackRock will continue to provide periodic updates to market participants and shareholders via press releases and on its website at [www.blackrock.com](http://www.blackrock.com).

BUS BlackRock Announces Refinancing of Auction Rate Preferred  
Jun 2 2008 17:04:01

BlackRock will host a conference call at 4:15 p.m. (ET) on Tuesday June 3, 2008 to discuss the refinancing of these ARPS. Those interested in listening to the call may dial 1-877-238-4697 or 1-719-785-5596 and reference conference ID number 301714. BlackRock does anticipate high call volume and will also provide an audio webcast at <https://cis.premconf.com/sc/scw.dll/usr?cid=vlllrcxlxmlvlnmmr>.

To access the replay of the call, please dial 1-888-348-4629 or 1-719-884-8882, referencing conference ID number 301714 or visit the closed-end fund section of the company's website at [www.blackrock.com](http://www.blackrock.com). The replay will be available for 14 days following the call.

#### Redemption Schedule

##### Auction Rate Preferred Shares Issued by BlackRock Tax-Exempt Fixed Income Closed-End Funds

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BlackRock Florida Insured Municipal Income Trust (NYSE:BAF)

Series CUSIP Number	Redeemed	Number of Shares		Redemption Date
		Redeemed	Amount	
M7 09250G201	1,265	\$31,625,000	June 24, 2008	

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BlackRock Florida Municipal Income Trust (NYSE:BBF)

Series CUSIP Number	Redeemed	Number of Shares		Redemption Date
		Redeemed	Amount	
T7 09248H204	320	\$8,000,000	June 25, 2008	

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BlackRock Municipal Bond Trust (NYSE:BBK)

Series CUSIP Number	Redeemed	Number of Shares		Redemption Date
		Redeemed	Amount	
R7 09249H302	200	\$5,000,000	June 27, 2008	
T7 09249H203	200	\$5,000,000	June 25, 2008	

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BUS BlackRock Announces Refinancing of Auction Rate Preferred  
Jun 2 2008 17:04:01

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BlackRock California Insured Municipal Income Trust (NYSE:BCK)

Series	CUSIP Number	Number of Shares	Amount Redeemed	Redemption Date
				Redeemed

F7	092484203	358	\$8,950,000	June 30, 2008
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BlackRock California Municipal Income Trust II (AMEX:BCL)

Series	CUSIP Number	Number of Shares	Amount Redeemed	Redemption Date
				Redeemed

R7	09249S308	244	\$6,100,000	June 27, 2008
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T7	09249S209	244	\$6,100,000	June 25, 2008
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BlackRock Municipal Income Trust (NYSE:BFK)

Series	CUSIP Number	Number of Shares	Amount Redeemed	Redemption Date
				Redeemed

F7	09248F604	656	\$16,400,000	June 30, 2008
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M7	09248F208	656	\$16,400,000	June 24, 2008
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R7	09248F505	656	\$16,400,000	June 27, 2008
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T7	09248F307	656	\$16,400,000	June 25, 2008
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W7	09248F406	656	\$16,400,000	June 26, 2008
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BlackRock Florida Municipal 2020 Term Trust (NYSE:BFO)

Series	CUSIP Number	Number of Shares	Amount Redeemed	Redemption Date
				Redeemed

F7	09250M208	240	\$6,000,000	June 30, 2008
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BUS BlackRock Announces Refinancing of Auction Rate Preferred  
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BlackRock California Municipal Income Trust (NYSE:BFZ)

Series	CUSIP Number	Number of Shares	Amount Redeemed	Redemption Date
R7	09248E300	621	\$15,525,000	June 27, 2008
T7	09248E201	621	\$15,525,000	June 25, 2008

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BlackRock Virginia Municipal Bond Trust (AMEX:BHV)

Series	CUSIP Number	Number of Shares	Amount Redeemed	Redemption Date
R7	092481209	54	\$1,350,000	June 27, 2008

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BlackRock Florida Municipal Bond Trust (NYSE:BIE)

Series	CUSIP Number	Number of Shares	Amount Redeemed	Redemption Date
W7	09249K206	144	\$3,600,000	June 26, 2008

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BlackRock Municipal 2020 Term Trust (NYSE:BKK)

Series	CUSIP Number	Number of Shares	Amount Redeemed	Redemption Date
F7	09249X406	50	\$1,250,000	June 30, 2008
M7	09249X208	50	\$1,250,000	June 24, 2008
W7	09249X307	50	\$1,250,000	June 26, 2008

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BUS BlackRock Announces Refinancing of Auction Rate Preferred  
Jun 2 2008 17:04:01

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BlackRock Investment Quality Municipal Trust (NYSE:BKN)

Series	CUSIP Number	Number of Shares	Amount Redeemed	Redemption Date
T28	09247D303	348	\$8,700,000	July 9, 2008
T7	09247D204	436	\$10,900,000	June 25, 2008

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BlackRock Municipal Income Trust II (AMEX:BLE)

Series	CUSIP Number	Number of Shares	Amount Redeemed	Redemption Date
M7	09249N200	395	\$9,875,000	June 24, 2008
R7	09249N507	395	\$9,875,000	June 27, 2008
T7	09249N309	395	\$9,875,000	June 25, 2008
W7	09249N408	395	\$9,875,000	June 26, 2008

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BlackRock New Jersey Municipal Bond Trust (AMEX:BLJ)

Series	CUSIP Number	Number of Shares	Amount Redeemed	Redemption Date
M7	09249A208	41	\$1,025,000	June 24, 2008

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BlackRock Insured Municipal Term Trust\* (NYSE:BMT)

Series	CUSIP Number	Number of Shares	Amount Redeemed	Redemption Date
M7	092474204	600	\$15,000,000	June 24, 2008

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Jun 2 2008 17:04:01

\*BlackRock Insured Municipal Term Trust (BMT) is redeeming ARPS in conjunction with its 2010 scheduled maturity and will not be implementing TOBs as replacement financing.

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BlackRock New Jersey Municipal Income Trust (NYSE:BNJ)

Series	CUSIP	Number	Amount	Redemption
		Shares	Redeemed	Date
		Redeemed		
R7	09248J200	133	\$3,325,000	June 27, 2008

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BlackRock New York Municipal Income Trust (NYSE:BNY)

Series	CUSIP	Number	Amount	Redemption
		Shares	Redeemed	Date
		Redeemed		
F7	09248L304	278	\$6,950,000	June 30, 2008
W7	09248L205	278	\$6,950,000	June 26, 2008

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BlackRock Municipal 2018 Term Trust (NYSE: BPK)

Series	CUSIP	Number	Amount	Redemption
		Shares	Redeemed	Date
		Redeemed		
R7	09248C304	75	\$1,875,000	June 27, 2008
W7	09248C205	75	\$1,875,000	June 26, 2008

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BlackRock Pennsylvania Strategic Municipal Trust  
(AMEX:BPS)

Series	CUSIP	Number	Amount	Redemption
		Shares	Redeemed	Date
		Redeemed		
W7	09248R202	27	\$675,000	June 26, 2008

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Jun 2 2008 17:04:01

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BlackRock New York Municipal Bond Trust (NYSE:BQH)

Series	CUSIP	Number	Amount	Redemption
		Shares	Redeemed	Date
		Redeemed		

T7	09249P205	72	\$1,800,000	June 25, 2008
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BlackRock Strategic Municipal Trust (NYSE:BSD)

Series	CUSIP	Number	Amount	Redemption
		Shares	Redeemed	Date
		Redeemed		

W7	09248T208	570	\$14,250,000	June 26, 2008
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BlackRock New York Insured Municipal Income Trust (NYSE:BSE)

Series	CUSIP	Number	Amount	Redemption	Date
		Shares	Redeemed		
		Redeemed			

R7	09249U204	573	\$14,325,000	June 27, 2008
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BlackRock Insured Municipal Income Trust (NYSE:BYM)

Series	CUSIP	Number	Amount	Redemption
		Shares	Redeemed	Date
		Redeemed		

F7	092479401	1,054	\$26,350,000	June 30, 2008
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M7	092479203	1,054	\$26,350,000	June 24, 2008
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R7	092479302	1,054	\$26,350,000	June 27, 2008
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BlackRock California Municipal Bond Trust (NYSE:BZA)

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Jun 2 2008 17:04:01

D 09253Y506 223 \$5,575,000 June 27, 2008

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BlackRock MuniHoldings Florida Insured Fund (NYSE:MFL)

Series	CUSIP	Number	Number of Shares	Amount	Redemption Date
			Redeemed	Redeemed	

A 09254P207 387 \$9,675,000 June 25, 2008

B 09254P306 646 \$16,150,000 June 23, 2008

C 09254P405 636 \$15,900,000 June 24, 2008

D 09254P504 399 \$9,975,000 June 26, 2008

E 09254P603 617 \$15,425,000 June 27, 2008

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BlackRock MuniYield Florida Insured Fund (NYSE:MFT)

Series	CUSIP	Number	Number of Shares	Amount	Redemption Date
			Redeemed	Redeemed	

A 09254T209 325 \$8,125,000 June 24, 2008

B 09254T308 65 \$1,625,000 June 26, 2008

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BlackRock MuniHoldings Fund, Inc. (NYSE:MHD)

Series	CUSIP	Number	Number of Shares	Amount	Redemption Date
			Redeemed	Redeemed	

A 09253N203 582 \$14,550,000 June 25, 2008

B 09253N302 582 \$14,550,000 June 27, 2008

C 09253N401 159 \$3,975,000 June 24, 2008

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Jun 2 2008 17:04:01

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Massachusetts Health & Education Tax-Exempt Trust (AMEX:MHE)

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Series CUSIP Number Number of Amount Redemption Date  
Shares Redeemed  
Redeemed

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A 575672209 15 \$750,000 June 12, 2008

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B 575672308 15 \$750,000 June 11, 2008

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BlackRock MuniHoldings New York Insured Fund, Inc. (NYSE:MHN)

-----  
Series CUSIP Number Number of Amount Redemption Date  
Shares Redeemed  
Redeemed

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A 09255C205 365 \$9,125,000 June 26, 2008

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B 09255C304 365 \$9,125,000 June 27, 2008

-----  
C 09255C403 584 \$14,600,000 June 24, 2008

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D 09255C502 707 \$17,675,000 June 23, 2008

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E 09255C601 384 \$9,600,000 June 25, 2008

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BlackRock MuniYield Michigan Insured Fund, Inc. (NYSE:MIY)

-----  
Series CUSIP Number Number of Amount Redemption Date  
Shares Redeemed  
Redeemed

-----  
A 09254V204 247 \$6,175,000 June 25, 2008

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B 09254V303 247 \$6,175,000 June 23, 2008

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C 09254V402 197 \$4,925,000 June 26, 2008

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D 09254V501 123 \$3,075,000 June 24, 2008

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BlackRock MuniYield New Jersey Insured Fund, Inc. (NYSE:MJI)

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Series CUSIP Number Number of Amount Redemption Date  
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12 of 20

BUS BlackRock Announces Refinancing of Auction Rate Preferred  
 Jun 2 2008 17:04:01  
 Shares Redeemed  
 Redeemed

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A 09255A209 238 \$5,950,000 June 23, 2008

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B 09255A308 74 \$1,850,000 June 27, 2008

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BlackRock Muni NY Intermediate Duration Fund, Inc. (NYSE:MNE)

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Series CUSIP Number Number of Amount Redemption Date  
 Shares Redeemed  
 Redeemed

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F 09255F208 55 \$1,375,000 June 23, 2008

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BlackRock MuniYield Pennsylvania Insured Fund (NYSE:MPA)

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Series CUSIP Number Number of Amount Redemption  
 Shares Redeemed Date  
 Redeemed

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A 09255G206 386 \$9,650,000 June 24, 2008

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B 09255G305 463 \$11,575,000 June 25, 2008

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C 09255G404 135 \$3,375,000 June 27, 2008

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BlackRock MuniYield Quality Fund II, Inc. (NYSE:MQT)

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Series CUSIP Number Number of Amount Redemption  
 Shares Redeemed Date  
 Redeemed

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A 09254G207 397 \$9,925,000 July 7, 2008

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B 09254G306 397 \$9,925,000 July 14, 2008

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C 09254G405 397 \$9,925,000 June 30, 2008

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D 09254G504 79 \$1,975,000 June 24, 2008

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13 of 20

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Jun 2 2008 17:04:01

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BlackRock MuniYield Quality Fund, Inc. (NYSE:MQY)

Series	CUSIP	Number	Number of Shares	Amount	Redemption Date
A	09254F209	464		\$11,600,000	July 8, 2008
B	09254F308	464		\$11,600,000	June 24, 2008
C	09254F407	464		\$11,600,000	July 18, 2008
D	09254F506	464		\$11,600,000	June 27, 2008
E	09254F605	464		\$11,600,000	June 23, 2008

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BlackRock MuniHoldings California Insured Fund (NYSE:MUC)

Series	CUSIP	Number	Number of Shares	Amount	Redemption Date
A	09254L206	505		\$12,625,000	June 24, 2008
B	09254L305	1,021		\$25,525,000	June 23, 2008
C	09254L404	842		\$21,050,000	June 27, 2008
D	09254L503	779		\$19,475,000	June 26, 2008
E	09254L602	958		\$23,950,000	June 25, 2008

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BlackRock MuniHoldings Insured Fund II, Inc. (NYSE:MUE)

Series	CUSIP	Number	Number of Shares	Amount	Redemption Date
A	09254C206	608		\$15,200,000	June 27, 2008
B	09254C305	608		\$15,200,000	June 26, 2008
C	09254C404	1,152		\$28,800,000	June 25, 2008

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Jun 2 2008 17:04:01

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BlackRock MuniHoldings Fund II, Inc. (NYSE:MUH)

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Series	CUSIP Number	Number of Shares	Amount Redeemed	Redemption Date
A	09253P208	520	\$13,000,000	June 25, 2008
B	09253P307	520	\$13,000,000	June 23, 2008

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BlackRock Muni Intermediate Duration Fund, Inc. (NYSE:MUI)

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Series	CUSIP Number	Number of Shares	Amount Redeemed	Redemption Date
F7	09253X607	205	\$5,125,000	June 23, 2008
M7	09253X201	205	\$5,125,000	June 24, 2008
T7	09253X300	277	\$6,925,000	June 25, 2008
TH28	09253X706	144	\$3,600,000	July 7, 2008
TH7	09253X508	277	\$6,925,000	June 27, 2008
W7	09253X409	205	\$5,125,000	June 26, 2008

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BlackRock MuniHoldings New Jersey Insured Fund, Inc. (NYSE:MUJ)

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Series	CUSIP Number	Number of Shares	Amount Redeemed	Redemption Date
A	09254X200	176	\$4,400,000	June 24, 2008
B	09254X309	176	\$4,400,000	June 27, 2008
C	09254X408	311	\$7,775,000	June 25, 2008
D	09254X507	244	\$6,100,000	June 26, 2008
E	09254X606	145	\$3,625,000	June 23, 2008

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15 of 20

BUS BlackRock Announces Refinancing of Auction Rate Preferred  
Jun 2 2008 17:04:01

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BlackRock MuniHoldings Insured Fund, Inc. (NYSE:MUS)

Series	CUSIP	Number	Amount	Redemption
		Shares	Redeemed	Date
		Redeemed		
A	09254A200	796	\$19,900,000	June 27, 2008
B	09254A309	796	\$19,900,000	June 24, 2008

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BlackRock MuniVest Fund, Inc. (AMEX:MFV)

Series	CUSIP	Number	Amount	Redemption
		Shares	Redeemed	Date
		Redeemed		
A	09253R204	349	\$8,725,000	June 30, 2008
B	09253R303	349	\$8,725,000	July 7, 2008
C	09253R402	349	\$8,725,000	June 16, 2008
D	09253R501	349	\$8,725,000	June 23, 2008
E	09253R600	524	\$13,100,000	June 16, 2008
F	09253R709	412	\$10,300,000	June 25, 2008

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BlackRock MuniVest Fund II, Inc. (NYSE:MVT)

Series	CUSIP	Number	Amount	Redemption
		Shares	Redeemed	Date
		Redeemed		
A	09253T200	249	\$6,225,000	July 3, 2008
B	09253T309	249	\$6,225,000	July 10, 2008
C	09253T408	249	\$6,225,000	June 26, 2008
D	09253T507	221	\$5,525,000	June 24, 2008

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BlackRock MuniYield California Fund, Inc. (NYSE:MYC)  
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Jun 2 2008 17:04:01

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Series	CUSIP Number	Number of Shares	Amount Redeemed	Redemption Date
A	09254M204	665	\$16,625,000	July 10, 2008
B	09254M303	665	\$16,625,000	June 19, 2008
C	09254M402	222	\$5,550,000	July 3, 2008
D	09254M501	388	\$9,700,000	June 24, 2008

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BlackRock MuniYield Fund, Inc. (NYSE:MYD)

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Series	CUSIP Number	Number of Shares	Amount Redeemed	Redemption Date
A	09253W203	375	\$9,375,000	July 2, 2008
B	09253W302	375	\$9,375,000	July 9, 2008
C	09253W401	375	\$9,375,000	June 25, 2008
D	09253W500	375	\$9,375,000	June 18, 2008
E	09253W609	584	\$14,600,000	June 18, 2008
F	09253W708	359	\$8,975,000	June 26, 2008
G	09253W807	417	\$10,425,000	June 23, 2008

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BlackRock MuniYield Florida Fund (NYSE:MYF)

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Series	CUSIP Number	Number of Shares	Amount Redeemed	Redemption Date
A	09254R203	384	\$9,600,000	June 19, 2008
B	09254R302	279	\$6,975,000	June 27, 2008
C	09254R401	104	\$2,600,000	June 25, 2008

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Jun 2 2008 17:04:01

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BlackRock MuniYield Insured Fund, Inc. (NYSE:MYI)

Series	CUSIP Number	Number of Shares	Amount Redeemed	Redemption Date
A	09254E202	744	\$18,600,000	June 26, 2008
B	09254E301	744	\$18,600,000	July 3, 2008
C	09254E400	744	\$18,600,000	July 10, 2008
D	09254E509	744	\$18,600,000	July 17, 2008
E	09254E608	1,353	\$33,825,000	June 26, 2008
F	09254E707	812	\$20,300,000	July 8, 2008
G	09254E806	812	\$20,300,000	June 24, 2008
H	09254E889	880	\$22,000,000	June 27, 2008
I	09254E871	880	\$22,000,000	June 23, 2008

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BlackRock MuniYield New Jersey Fund, Inc. (NYSE:MYJ)

Series	CUSIP Number	Number of Shares	Amount Redeemed	Redemption Date
A	09254Y208	288	\$7,200,000	June 26, 2008
B	09254Y307	180	\$4,500,000	June 25, 2008
C	09254Y406	103	\$2,575,000	June 24, 2008

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BlackRock MuniYield Michigan Insured Fund II, Inc. (NYSE:MYM)

Series	CUSIP Number	Number of Shares	Amount Redeemed	Redemption Date
A	09254W202	259	\$6,475,000	June 17, 2008
B	09254W301	160	\$4,000,000	June 25, 2008
C	09254W400	47	\$1,175,000	June 26, 2008

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Jun 2 2008 17:04:01

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BlackRock MuniYield New York Insured Fund, Inc. (NYSE:MYN)

Series	CUSIP Number	Number of Shares	Amount Redeemed	Redemption Date
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A	09255E201	249	\$6,225,000	June 24, 2008
B	09255E300	249	\$6,225,000	June 17, 2008
C	09255E409	410	\$10,250,000	June 23, 2008
D	09255E508	287	\$7,175,000	June 25, 2008
E	09255E607	322	\$8,050,000	July 17, 2008
F	09255E706	264	\$6,600,000	June 27, 2008

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BlackRock California Investment Quality Municipal Trust, Inc. (AMEX:RAA)

Series	CUSIP Number	Number of Shares	Amount Redeemed	Redemption Date
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W7	09247U206	27	\$675,000	June 26, 2008
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BlackRock Florida Investment Quality Municipal Trust (AMEX:RFA)

Series	CUSIP Number	Number of Shares	Amount Redeemed	Redemption Date
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R7	09247B208	55	\$1,375,000	June 27, 2008
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BlackRock New Jersey Investment Quality Municipal Trust, Inc. (AMEX:RNJ)

Series	CUSIP Number	Number of Shares	Amount	Redemption Date
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 Jun 2 2008 17:04:01

	Shares Redeemed	Redeemed Shares	Date
T7 09247C206	17	\$425,000	June 25, 2008

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#### About BlackRock

BlackRock is one of the world's largest publicly traded investment management firms. At March 31, 2008, BlackRock's AUM was \$1.364 trillion. The firm manages assets on behalf of institutions and individuals worldwide through a variety of equity, fixed income, cash management and alternative investment products. In addition, a growing number of institutional investors use BlackRock Solutions investment system, risk management and financial advisory services. Headquartered in New York City, as of March 31, 2008, the firm has approximately 5,600 employees in 19 countries and a major presence in key global markets, including the U.S., Europe, Asia, Australia and the Middle East. For additional information, please visit the Company's website at [www.blackrock.com](http://www.blackrock.com).

#### Forward-Looking Statements

This press release, and other statements that BlackRock may make, may contain forward-looking statements within the meaning of the Private Securities Litigation Reform Act, with respect to the BlackRock closed-end funds' future financial or business performance, strategies or expectations. Forward-looking statements are typically identified by words or phrases such as "trend," "potential," "opportunity," "pipeline," "believe," "comfortable," "expect," "anticipate," "current," "intention," "estimate," "position," "assume," "outlook," "continue," "remain," "maintain," "sustain," "seek," "achieve," and similar expressions, or future or conditional verbs such as "will," "would," "should," "could," "may" or similar expressions.

BlackRock cautions that forward-looking statements are subject to numerous assumptions, risks and uncertainties, which change over time. Forward-looking statements speak only as of the date they are made, and BlackRock and the closed-end funds managed by BlackRock and its affiliates assume no duty to and do not undertake to update publicly or revise any forward-looking statements. Actual results could differ materially from those anticipated in forward-looking statements and future results could differ materially from historical performance.

The following factors, among others, could cause actual results to differ materially from forward-looking statements or historical occurrences: (1) the ability of the BlackRock closed-end funds that have announced these refinancing plans to implement those plans on a timely basis; (2) the ability of other BlackRock closed-end funds that have issued ARPS but that are not announcing a refinancing plan today to develop and finalize fund-by-fund specific proposals to restructure the leverage of such funds; (3) the need for such other BlackRock funds to obtain formal fund-by-fund board approval of certain types of specific proposals as they are developed and finalized; (4) the

20 of 20

BUS BlackRock Announces Refinancing of Auction Rate Preferred  
Jun 2 2008 17:04:01  
ability of such other BlackRock funds to negotiate and obtain from  
broker dealers or other financial institutions the put commitments  
necessary to make the ARPS eligible for purchase by money market funds  
on terms acceptable to the BlackRock funds and in a timely manner; (5)  
the acceptance by the market, and demand for,

# EXHIBIT E



**Board for Professional Medical Conduct**

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

Barbara A. DeBuono, M.D., M.P.H.  
Commissioner

C. Maynard Guest, M.D.  
Executive Secretary

March 27, 1995

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Michael A. Passidomo, M.D.  
162 South Mayo Trail  
P.O. Box 2037  
Pikeville, Kentucky 41502

RE: License No. 118872

Effective Date: 04/03/95

Dear Dr. Passidomo:

Enclosed please find Order #BPMC 95-66 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct  
New York State Department of Health  
Empire State Plaza  
Tower Building-Room 438  
Albany, New York 12237-0756

Sincerely,

C. Maynard Guest, M.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: W. Terry McBrayer, Esq.  
McBrayer, McGinnis, Leslie & Kirkland  
163 West Short Street, Suite 300  
Lexington, Kentucky 40507-1361

Paul Stein, Esq.

NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER  
OF  
MICHAEL ANTHONY PASSIDOMO, M.D.

CONSENT  
ORDER  
BPMC #95-66

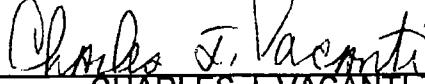
Upon the application of MICHAEL ANTHONY PASSIDOMO, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

SO ORDERED.

DATED: 23 March 1995

  
CHARLES J. VACANTI, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER  
OF  
MICHAEL ANTHONY PASSIDOMO, M.D.

APPLICATION  
FOR  
CONSENT ORDER

STATE OF KENTUCKY )  
COUNTY OF PIKE ) ss.:

MICHAEL ANTHONY PASSIDOMO, M.D., being duly sworn, deposes and says:  
That on or about January 28, 1974, I was licensed to practice as a physician in  
the State of New York, having been issued License No. 118872 by the New York State  
Education Department.

My current address is 534-536 Mayo Trail, Suite 302, Pikeville, Kentucky 41501.  
and I will advise the Director of the Office of Professional Medical Conduct of any  
change of my address.

I understand that the New York State Board for Professional Medical Conduct  
has charged me with one specification of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and  
marked as Exhibit "A".

I admit guilt to the first specification, including, but limited to, paragraph "1." and  
paragraph "1. f.", in full satisfaction of the charges against me. I hereby agree to a  
sanction of three months suspension, such suspension to be stayed, and further agree  
to a two year period of probation, to be tolled unless and until I commence the practice  
of medicine in the State of New York, the terms of such period of probation being fully  
stated in Exhibit "B" annexed hereto and made a part hereof.

I hereby make this Application to the State Board for Professional Medical  
Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board,

nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

**MICHAEL ANTHONY PASSIDOMO, M.D.  
RESPONDENT**

Sworn to before me this

10th day of March, 1995.

Mildred B. Chidlow  
NOTARY PUBLIC  
*My Comm. expir  
Mar 6, 1996*

NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER  
OF  
MICHAEL ANTHONY PASSIDOMO, M.D.

APPLICATION  
FOR  
CONSENT ORDER

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 16/1/95

MICHAEL ANTHONY PASSIDOMO, M.D.  
Respondent

DATE: 3/9/95

  
W. TERRY McBRAYER, ESQ.  
Attorney for Respondent

DATE: 3-14-95

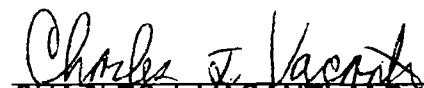
  
PAUL STEIN, ESQ.  
Associate Counsel  
Bureau of Professional  
Medical Conduct

DATE: March 21, 1995



KATHLEEN M. TANNER  
Director  
Office of Professional Medical  
Conduct

DATE: 23 March 1995

  
CHARLES J. VACANTI, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----x  
In the Matter : STATEMENT  
of : OF  
MICHAEL ANTHONY PASSIDOMO, M.D. : CHARGES

-----x  
MICHAEL ANTHONY PASSIDOMO, M.D., the Respondent, was authorized to practice as a physician in New York State on January 28, 1974 by the issuance of license number 118872 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine in the State of New York. His current address is 534-536 Mayo Trail, Suite 302, Pikeville, Kentucky 41501.

FACTUAL ALLEGATIONS

A. In an Agreed Order filed of record on April 1, 1994, the Commonwealth of Kentucky, State Board of Medical Licensure (hereinafter referred to as "the Kentucky Board") suspended Respondent's license to practice medicine in the state of Kentucky for a period of three months. The suspension was "probated for a period of three (3) years", subject to various terms of probation. This action was based upon a complaint filed of record on July 27, 1993 by the Kentucky Board in which it was charged:

"That on or between November of 1985 and April of 1991, Respondent treated and examined thirty-four (34) patients in such a manner as to constitute a pattern of overutilization and expensive technology. Such conduct is dishonorable, unethical and unprofessional to the extent that said conduct is of a character likely to deceive, defraud or harm the public or any member thereof and constitutes a pattern of acts committed during the course of Respondent's medical practice which, under the attendant circumstances, is deemed to be of gross incompetence, gross ignorance, gross negligence or malpractice, and is calculated or has the effect of bringing the medical professional into disrepute, including, but not limited to, any departure from or failure to conform to the standards of acceptable and prevailing medical practice within the Commonwealth of Kentucky, and any departure from or failure to conform to principles of medical ethics of the American Medical Association or the Code of Ethics of the American Osteopathic Association."

The period of probation was subsequently reduced from three years to six months.

SPECIFICATION

FIRST SPECIFICATION

1. Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530(9) (d) (McKinney Supp. 1995), in that he had his license to practice medicine revoked, suspended or had other disciplinary action taken after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license would, if committed in New York State, constitute professional misconduct under the laws of New York State, specifically:

- a. "Practicing the profession fraudulently or beyond its authorized scope" (Educ. Law sec. 6530 (2) (McKinney Supp. 1995)); and/or
- b. "Practicing the profession with gross negligence on a particular occasion" (Educ. Law sec. 6530 (4) (McKinney Supp. 1995)); and/or
- c. "Practicing the profession with gross incompetence" (Educ. Law sec. 6530 (6) (McKinney Supp. 1995)); and/or
- d. "Practicing the profession with negligence on more than one occasion" (Educ. Law sec. 6530 (3) (McKinney Supp. 1995)); and/or
- e. "Practicing the profession with incompetence on more than one occasion" (Educ. Law sec. 6530 (5) (McKinney Supp. 1995)); and/or
- f. "Ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient" (Educ. Law sec. 6530 (35) (McKinney Supp. 1995)).

Dated: New York, New York  
February 14, 1995



CHRIS STERN HYMAN  
Counsel  
Bureau of Professional  
Medical Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. MICHAEL ANTHONY PASSIDOMO, M.D., during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
2. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, and of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, within the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
6. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non renewal of permits or licenses (Tax Law §171(27); State Finance Law §18; CPLR §5001; Executive Law §32);
7. This period of probation shall commence if and when Respondent commences the practice of medicine in the State of New York. If Respondent commences the practice of medicine in the State of New York and discontinues such practice in the State of New York before the two year probationary term is completed, the period of probation shall be tolled, and shall be resumed at such time as Respondent again commences the practice of medicine in the State of New York. The period of probation shall be resumed and tolled in this manner until such time as Respondent has completed the two year period of probation.

8. Thirty days prior to the commencement of the practice of medicine in New York State, or resumption of the practice of medicine in New York State if Respondent has not yet completed the two year period of probation, Respondent shall, by certified or registered mail, notify the Director of the Office of Professional Medical Conduct, at the address in paragraph 2 above, of such commencement or resumption of practice. Within one week of the discontinuance of the practice of medicine in the State of New York, if Respondent will not have completed the two year period of probation before such discontinuance, Respondent shall, by certified or registered mail, notify the Director of the Office of Professional Medical Conduct, at the address in paragraph 2 above, of such discontinuance.
9. During the two year period of probation, Respondent shall have quarterly meetings with an employee or designee of the Office of Professional Medical Conduct. During these quarterly meetings, Respondent's professional performance shall be monitored by having a random selection of his office records, patient records, and hospital charts reviewed by such employee or designee. Respondent shall cooperate fully in making available such records and charts.
10. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.

# EXHIBIT F



## Physician Profile

Report Date: 06/11/2008

In response to your recent inquiry concerning the individual referenced below, the following summary of reported information is provided.

**NAME:**

**Michael Anthony Passidomo, MD**

The Federation Physician Data Center provides names previously used by reporting entities. This information is provided to consumers to assist in identification.

### BOARD ACTIONS/DISCIPLINE/SANCTIONS

<b>Reporting State Board</b>	KENTUCKY
<b>Date Of Order</b>	03/31/1994
<b>Form Of Order</b>	Agreed Order
<b>Action(s)</b>	MEDICAL LICENSE PLACED ON PROBATION Additional Detail: Placed On Three Years Probation.
<b>Basis for Action(s)</b>	Overutilization of Health Care Services
<hr/>	
<b>Reporting State Board</b>	KENTUCKY
<b>Date Of Order</b>	07/22/1994
<b>Action(s)</b>	PROBATION MODIFIED - RESTRICTIONS/CONDITIONS REDUCED Additional Detail: Order Reducing Probationary Period From Three Years To Six Months From April 1, 1994.
<b>Basis for Action(s)</b>	Not Applicable
<hr/>	
<b>Reporting State Board</b>	WEST VIRGINIA
<b>Date Of Order</b>	09/08/1994
<b>Effective Date</b>	09/07/1994
<b>Action(s)</b>	SURRENDER OF MEDICAL LICENSE
<b>Basis for Action(s)</b>	Not Reported
<hr/>	
<b>Reporting State Board</b>	KENTUCKY
<b>Date Of Order</b>	10/01/1994
<b>Action(s)</b>	PROBATION TERMINATED Additional Detail: Probation Terminated.
<b>Basis for Action(s)</b>	Not Applicable
<hr/>	
<b>Reporting State Board</b>	FLORIDA
<b>Date Of Order</b>	02/27/1995
<b>Form Of Order</b>	Consent Order/Agreement
<b>Action(s)</b>	ASSESSED A FINE ISSUED LETTER OF CONCERN
<b>Basis for Action(s)</b>	Due to Action Taken by Another Board/Agency Failure to Report Adverse Actions Against Self in Accordance with

<b>Reporting State Board</b>	NEW YORK
<b>Date Of Order</b>	03/27/1995
<b>Effective Date</b>	04/03/1995
<b>Form Of Order</b>	Consent Order/Agreement
<b>Action(s)</b>	MEDICAL LICENSE PLACED ON PROBATION Additional Detail: Placed On Two Years Probation To Commence Upon Resumption Of Practice In New York.
<b>Basis for Action(s)</b>	Due to Action Taken by Another Board/Agency
<b>Reporting State Board</b>	NEW YORK
<b>Date Of Order</b>	03/05/1997
<b>Effective Date</b>	03/12/1997
<b>Action(s)</b>	SURRENDER OF MEDICAL LICENSE Additional Detail: Surrender of license substituted for sanction originally imposed; charges and plea remain unchanged. PRIOR ORDER OF THE BOARD MODIFIED/AMENDED
<b>Basis for Action(s)</b>	Due to Action Taken by Another Board/Agency
<b>Reporting State Board</b>	VIRGINIA
<b>Date Of Order</b>	08/07/1998
<b>Form Of Order</b>	Consent Order/Agreement
<b>Action(s)</b>	SURRENDER OF LICENSE PRIOR TO OR IN LIEU OF INQUIRY, INVESTIGATION OR OTHER ACTION
<b>Basis for Action(s)</b>	Due to Action Taken by Another Board/Agency

A report containing no reportable actions is just as valuable as receiving a report with disciplinary actions, because it indicates that the individual you searched against the national database has not been disciplined by a state medical board or regulatory entity. Of the physicians disciplined in 2006, 86% have held licenses in 2 to 35 different state jurisdictions.

Entities reporting to the Federation include U.S. state medical boards and its territories, and U.S. Department of Health and Human Services (Medicaid/Medicare). In addition, reports are received from numerous international jurisdictions including Canada, England, New Zealand, and Australia.

Disciplinary actions taken by licensing and regulatory entities can vary widely in scope and nature. Actions may range from warnings or letters of concern to the revocation of the privilege to practice medicine. Actions may be either disciplinary or administrative in nature. In deciding to seek treatment from an individual who has reportable actions, the patient should closely evaluate the nature and consequence of the action and decide if the action could potentially impact the quality of care received.

## LICENSE HISTORY

State Board	Date Issued	License Number
FLORIDA	08/28/1974	ME22483
KENTUCKY		20408
MAINE	12/07/1972	7183
NEW YORK	01/28/1974	118872
VIRGINIA	10/01/1986	0101040208
WEST VIRGINIA	11/10/1986	14896

## MEDICAL SCHOOL

**Universita Di Bologna**  
**Country: Italy**

It takes many years of education and training to become a physician. Typically, after completing a four-year undergraduate or pre-medical program at an accredited college or university, a student may enter medical school. Once admitted to medical school, it generally takes four years to earn a Doctor of Medicine (M.D.) degree or Doctor of Osteopathic Medicine (D.O.) degree. Typically, a medical student spends the first two years in classroom and laboratory instruction, which is often referred to as the pre-clinical studies, and the final two years working under supervision of experienced physicians in clinics and hospitals, known as the clinical studies, where students observe and take part in the care of actual patients. Rotations on clinical services such as internal medicine, obstetrics and gynecology, pediatrics, and surgery are the foundation of the curriculum.

The Educational Commission for Foreign Medical Graduates (ECFMG), through its program of certification, assesses whether international medical graduates are ready to enter residency or fellowship programs in the United States.

ECFMG Certification assures the people of the United States, that international medical graduates have met minimum standards of eligibility required to enter such programs. ECFMG Certification is one of the eligibility requirements for international medical graduates to take Step 3 of the three-step United States Medical Licensing Examination (USMLE). Medical licensing authorities in the United States require ECFMG Certification, among other requirements, to obtain an unrestricted license to practice medicine. Additional information regarding the USMLE can be found at [www.usmle.org](http://www.usmle.org) and additional information regarding ECFMG can be found at [www.ecfmg.org](http://www.ecfmg.org).

## DEGREE

**Doctor of Medicine (MD)**

United States medical students earn either a Doctorate of Medicine (M.D.) or Doctorate of Osteopathic Medicine (D.O.). These degree types entitle a graduate to use these initials after his/her name. The title Doctor is based on completion of education requirements and is not an indicator of licensure status. Graduation from an accredited U.S. allopathic school program earns the student a Doctor of Medicine (M.D.) degree, while graduation from an accredited osteopathic school earns the Doctor of Osteopathic Medicine (D.O.) degree.

Currently, of the 148 medical schools in the United States – 126 teach allopathic medicine and award an M.D. degree, and 22 teach osteopathic medicine and award the D.O. degree. Currently, there are not any equivalent osteopathic medical schools outside of the United States. For further information on osteopathic physicians visit the American Osteopathic Association at [www.osteopathic.org](http://www.osteopathic.org)

In addition to medical doctors and doctors of osteopathic medicine, individuals in the United States who have graduated from an accredited physician assistant program and are trained to provide health care services under the supervision and direction of a licensed physician are awarded the degree of Physician Assistant (P.A.). Physician Assistants can provide a broad range of medical and surgical services that traditionally have been performed by physicians,

such as taking medical histories, performing physical examinations, ordering and interpreting lab tests and prescribing medication.

In some countries, such as Australia, India, and Pakistan, international medical school graduates who complete their studies in medicine and surgery earn a Bachelor of Medicine and Bachelor of Surgery degree, or in Latin, Medicinae Baccalaureus et Baccalaureus Chirurgiae (abbreviated MBBS, MBChB, and MBBCh.) These medical school diplomas are not offered in any U.S. or Canadian medical school program, and the exact name of the international degree programs can vary from country to country.

Medical schools outside the United States and Canada vary in educational standards, curriculum and evaluation methods. In order for foreign medical graduates to enter U.S. residency and fellowship programs, they must first be certified by the Educational Commission for Foreign Medical Graduates (ECFMG.) In addition to satisfying the ECFMG certification requirements, international medical graduates must also have had at least four credit years in attendance at a recognized medical school.

#### **YEAR OF GRADUATION**

**1974**

Year of Graduation refers to the year a physician obtained his/her medical degree and graduated from medical school. The length of time since year of graduation is the personal preference of the patient and often depends on the relationship established with the treating physician.

#### **MEDICAL SPECIALTY**

**We do not have record of the medical specialty(ies) for this individual.**

Following medical school, physicians may enter a residency program where they choose to specialize in a particular area of medicine, which means additional years of training. The residency program may take the form of paid on-the-job training usually conducted in a hospital setting.

During this specialty training, the residents practice medicine under the supervision of licensed physicians who are experienced in their specialty. Upon completion of their residency training, the graduate resident is eligible to take the specialty board certification exam offered by one of the 24-approved medical specialty boards of the American Board of Medical Specialties (ABMS), the American Osteopathic Association (AOA), or other non-ABMS or non-AOA certification boards. A physician may gain board certification status in more than one area of specialization.

After residency, some doctors may continue their training to specialize even further and obtain certification in a sub-specialty, which usually requires an additional 2 to 3 years of fellowship training. For example, an internal medicine graduate may choose to sub-specialize in cardiology, which means an additional 3 years of training. On completion of the fellowship program, the physician may take a second board certification exam in the area of cardiology.

Certification in either a specialty or sub-specialty helps the public identify those physicians who have met a higher standard of educational training, passed competency examinations and have the knowledge and experience beyond the level required for licensure. Although many physicians are electing to become board certified, it is not a requirement to practice medicine. When selecting a board certified physician, it is important to review the certifying board's eligibility requirements, examination procedures, and ongoing maintenance of competency criteria. **Additional information pertaining to medical specialties of the American Board of Medical Specialties and the American Osteopathic Association can be found at [www.abms.org](http://www.abms.org) or [www.osteopathic.org](http://www.osteopathic.org)**

**LOCATION HISTORY (NOT CHRONOLOGICAL)**

**Pikeville, KY 41501**

**Naples, FL 34102-7629**

**Pikeville, KY 41501-1526**

**Pikeville, KY 415011526**

Since the Federation Physician Data Center database is a nationally consolidated database of physician information, it is very common for a single physician to have multiple locations on file. Generally, location information is self-reported by a physician to a licensing and regulatory agency, and therefore, it has not been verified. Location information is updated in our system as new or additional information becomes available. **This location history is provided for use as a guide for individuals seeking to explore additional sources of information.**

PLEASE NOTE: For more information regarding the above data, please contact the reporting state board or reporting agency. The information contained in this report was supplied by the respective state medical boards and other reporting agencies. The Federation makes no representations or warranties, either express or implied, as to the accuracy, completeness or timeliness of such information and assumes no responsibility for any errors or omissions contained therein. Additionally, the information provided in this profile may not be distributed, modified or reproduced in whole or in part without the prior written consent of the Federation of State Medical Boards.

# EXHIBIT G

1 of 1 DOCUMENT

Copyright 1995 Charleston Newspapers  
Charleston Daily Mail (West Virginia)

February 16, 1995, Thursday

**SECTION:** News; Pg. P 1A

**LENGTH:** 997 words

**HEADLINE:** NUMBER OF PHYSICIANS DISCIPLINED IN 1994 DOWN

**BYLINE:** Therese Cox

**BODY:**

Medical board still swamped with dozens of written complaints  
Drug violations, failure to pass required exams and inconsistent  
record keeping led the state Board of Medicine to discipline 23  
medical doctors in 1994, records show.

The number was down somewhat from the previous year, when 31  
physicians received sanctions.

The board, however, receives as many as four times that number  
of complaints in a year, said Ronald Walton, executive director for  
the board.

All written complaints have to be fully investigated, he said  
"If a doctor is rude, unfortunately we have to investigate,"  
Walton said. "Maybe it was an unpleasant experience, but we can't  
say it was necessarily unprofessional or mismanaged care."

The board employs one full-time and one part-time investigator  
to track 5,575 physicians, 103 podiatrists and 225 physician  
assistants.

Revocation is the most severe and rarest sanction given. Only  
two physicians had their licenses revoked in 1994.

Dr. Thomas J. Park, a Princeton ophthalmologist, preyed on the  
elderly, pressing them to have eye surgery, the board concluded.

The board also revoked the license of Dr. Thomas S. Clark of  
Morgantown, but a Monongalia County circuit judge delayed the  
revocation. Clark, a former five-year member of the board, has  
appealed the board's decision and the case is pending.

## NUMBER OF PHYSICIANS DISCIPLINED IN 1994 DOWN Charleston Daily Mail (West Virginia) February 16, 1995, Thursday

Last year, the board certified 35 new medical corporations, which include one or more physicians in practice, as compared to 21 the year before. That brought the total to 572.

State physicians disciplined by the board in 1994 include:

James Michael Beane, a family practitioner in Vienna, was given a five-year probation for writing prescriptions for himself.

Radhakrishna Murty Bellam was restricted to practicing only under the supervision of another licensed physician. He is a family practitioner in Man.

Patricia Bonitatibus, a Wheeling anesthesiologist, was put on probation for two years. She must refrain from the use of controlled drugs.

Mary Boyd of Elkins, a pediatrician, was reprimanded for employing an unlicensed physician's assistant.

Freeman L. Clark, whose residence was listed as Memphis, Tenn., was given a two-year probation and must submit to random drug testing.

Thomas S. Clark's case is pending. The board said it was clearly demonstrated that Clark fraudulently renewed his license by not stating that he had been treated for drug addiction; that he failed to keep some medical records on the dispensation of controlled drugs; and that as a Board of Medicine member he betrayed the public trust.

Doff D. Daniel Jr. of Beckley, an internal medicine specialist, was ordered to stop prescribing drugs, to keep medical records for all patients and to take an exam.

Maria Estacio-Suarez, a Huntington geriatric physician, was ordered to take an exam and complete studies of rational drug therapy and record keeping. When Estacio-Suarez later failed the exam, her license was suspended.

Stuart Henry Fox was given three years of probation for a substandard surgical technique in 1992. He is a Huntington obstetriciangynecologist.

Gary A. Hanson of Weirton, a specialist in cardiovascular medicine and internal medicine, was put on probation for two years for failing to keep written records in treating his wife.

## NUMBER OF PHYSICIANS DISCIPLINED IN 1994 DOWN Charleston Daily Mail (West Virginia) February 16, 1995, Thursday

James D. Hoffman, a Williamson family practitioner, was put on a three-year probation for not complying with an earlier order of the board. It did not say why he was reprimanded. He is to attend Alcoholics Anonymous meetings.

Oscar Irisari, who was sued several times by patients, was ordered to take an exam. He is an obstetriciangynecologist in Moundsville.

Chaikitch V. Lucas of Chapmanville, a general surgeon and family practitioner, surrendered his license until he passes an exam. David C. McClure of Elkins was fined for letting his license lapse. His specialty was not listed.

Bruce Jeffrey Merkin surrendered his license and entered a chemical dependency treatment program. His license then was reinstated with a five-year probationary period. He practices internal medicine in Barboursville.

The license of Thomas J. Park, the Princeton ophthalmologist, was revoked.

Karl J. Reckenthaler, a radiologist, was fined for fabricating minutes of a radiation safety committee meeting in Grant County.

Maurice C. Rhodes, a family practitioner in Clarksburg, had his license reinstated after passing an exam. He is to practice for a time under the supervision of another licensed physician.

Alan Ruben, a Wheeling dermatologist, was fined for prescribed controlled drugs to himself.

Victor P. Salutillo, a family practitioner in Charleston, acknowledged that he prescribed controlled substances to himself. He was put on a two-year probation, ordered to cease prescribing controlled drugs and ordered to obtain a personal physician.

James Lee Schmidt's license was suspended for three years. He was fined and ordered to participate in an alcohol rehabilitation program. He is a Harrisville family practitioner.

Richard Camp Wisman was ordered to submit to random drug tests. The board extended the Beckley family practitioner's probation one year.

James W. Woodford received public reprimand for his treatment

NUMBER OF PHYSICIANS DISCIPLINED IN 1994 DOWN Charleston Daily Mail (West Virginia) February 16, 1995, Thursday

of a patient in 1988. He is a general surgeon in Philippi.

Six other physicians voluntarily surrendered their licenses.

The board is not required to release details.

They are Lenore Adele Breen, a Morgantown neurologist; Anton J. Dubrick, an emergency physician whose residence is Champaign, Ill.; Pamela Fawley, a Morgantown psychiatrist/family practitioner;

**Michael A. Passidomo**, a Pikeville, Ky., neurologist.

Also, Wayne Joseph Plymale, a Charleston urologist; and Martin David Sokoll, an anesthesiologist whose address is Iowa City, Iowa

DOCTORS9A Doctors 1A

*293 W.Va. physicians have been disciplined for various misdeeds July 30, 2003, Wednesday Charleston Gazette (West Virginia) July 30, 2003, Wednesday Correction Appended*

Copyright 2003 Charleston Newspapers  
Charleston Gazette (West Virginia)

July 30, 2003, Wednesday  
Correction Appended

**SECTION:** News; Pg. P1A

**LENGTH:** 1741 words

**HEADLINE:** 293 W.Va. physicians have been disciplined for various misdeeds July 30, 2003, Wednesday

**BYLINE:** John Heys

**BODY:**

johnheys@wvgazette.com

A consumer group says West Virginia should do a better job cracking down on bad doctors.

The group has put on its Web site the names of nearly 300 doctors in the state who have been disciplined by state medical boards and the government for incompetence, sexual misconduct, criminal convictions and other offenses.

"Only a small fraction of doctors with offenses have been stopped from practicing," said Dr. Sidney Wolfe, who directs Public Citizen's health research group.

The 293 names join about 18,000 others from 40 states and the District of Columbia that Public Citizen reports have had disciplinary actions taken against them by state medical boards and the federal government from 1992 to 2001.

Browsing through the list of doctors, arranged by state, is free. To view more information about disciplinary actions taken against particular doctors, you'll have to pay \$ 10. The fee gives you access to information on up to 10 physicians.

Ron Walton, executive director of the state's Board of Medicine, said the board does all it can with the resources it has to track and discipline West Virginia's physicians.

"I think that the board responds appropriately when dealing with disciplinary actions as they see fit," Walton said. "My position is, we don't think we're doing anything inappropriately."

During the 10-year period covered, Public Citizen found that 417 disciplinary actions were taken against 293 doctors in the state.

The group's list comes from information from state medical boards and federal agencies, such as the U.S. Drug Enforcement Administration, that also discipline doctors.

Wolfe called the list more comprehensive than what an individual medical board like West Virginia's could provide because Public Citizen looked at actions taken by other state boards and the government.

For instance, an action taken by Ohio's medical board against a doctor also licensed in West Virginia may not show up in the West Virginia board's information.

Most consumers won't find their doctors on the Web site, Wolfe said. "Most doctors are practicing good medicine," he said. But for patients whose physicians are listed, the data provides another way to find out why.

"Patients deserve more information about their doctors," Wolfe said.

Public Citizen earlier this year ranked West Virginia's medical board 13th in the country based on how many serious disciplinary actions were made for every 1,000 doctors in the state. Serious actions include revoking or suspending licenses, forcing doctors to give up their licenses or placing doctors on probation.

Wolfe said West Virginia could do better, especially when it comes to disciplining doctors with multiple malpractice claims and making it easier to get information about doctors and actions against them.

The Board of Medicine still plans to improve its Web site, but Walton said he didn't know when that would happen. In 2002, Public Citizen gave the board's Web site a grade of "F" for user-friendliness.

Walton said the board is hamstrung by its budget, which comes solely from fees the board collects from those it licenses.

To see Public Citizen's list of questionable doctors, visit [www.questionabledoctors.org](http://www.questionabledoctors.org). For more information about a specific doctor, call the West Virginia Board of Medicine at 558-2921.

#### Questionable doctors

Public Citizen's list of questionable doctors in West Virginia is on Page 11A, or visit [www.questionabledoctors.org](http://www.questionabledoctors.org). Viewing the list online is free, but it costs \$ 10 to see more information about doctors. The West Virginia Board of Medicine (558-2921) can also provide information about specific doctors.

#### Questionable doctors

Public Citizen published the following list of West Virginia doctors who were disciplined by state medical boards or the federal government from 1992 to 2001. The offenses range from minor administrative errors to more serious cases, such as sexual abuse of patients.

Although your doctor's name might be similar or identical to one listed, your doctor and the one listed might not be the same person. The status of a doctor's license or any disciplinary action might have changed since this list was made.

Check with the state Board of Medicine at 558-2921 for updated information. More

information can be also be found at [www.questionabledoctors.org](http://www.questionabledoctors.org).

Abedi, Kheyrolah; Abrigo, Ignacio Bangayan Jr.; Acosta, Armando Maximiliano F.; Adams, Barton J.; Agarwal, Anil Bhikulal; Aksoy, Yasar; Aksoy, Yasar J.; Allinder, Maureen; Alvarez, Dona M.; Amar, John Jason; Arce, Jose B.; Arreola, Rodolfo Jr.; Ashby, Diane Elizabeth;

Baker, Larry Allen; Barran, Peter D.; Batish, Rajesh; Battaglino, John Joseph Jr.; Beane, James Michael; Beard, John Wilson; Bellam, Radhakrishna Murty; Bennett, Roger Paul; Berlow, Abraham J.; Beyer, Elizabeth C.T.; Boggs, James Ernest; Bonitatibus, Patricia Joan Steigner; Boyd, Mary Simon; Braga, Djalma A.; Breen, Lenore Adele; Breitinger, Ernest Robert; Brooks, Delroy Courtney; Brown, Gary Lamoyne; Burke, Paul Weber Jr.;

Campano, Mark Anthony; Canady, Michael Ray; Castro, Orlando Roa; Cavender, Susan Lynn; Cheng, Mark Chiayung; Chin, Frank Tuin Wong; Christian, Homer Lee; Clark, Freeman L.; Clark, Thomas Samuel; Cochran, David Lee; Coleman, James W.; Cooper, Warren Lindley; Cottle, Aaron Depue; Covington, Martin Cade; Craske, William J.; Cunningham, James Eugene; Curtin, William J.;

Dababnah, Mousa Ibrahim; Daniel, Doff D. Jr.; Daniel, William Douglas; Davis, Eric Howard; Davis, Jeffrey Martin; Dayo, Zinnia Aliac Brawner; Dehgan, Ebrahim; Delgiorno, Louis John; Doak, Bruce Morrise Jr.; Dodd, Larry Allen; Dubrick, Anton J.; Duff, Wirt Rexford; Eden, James Arthur; Elliott, Sandra Young; Eskew, Edward; Estacio-Suarez, Maria C.;

Fahmy, Magdi Zakaria; Farsaii, Asghar; Fawley, Pamela Marian Shelton; Floresca, Jose P.; Fortner, Fredrick Mont; Foster, John Michael; Fox, Stuart Henry; Freed, John Douglas; Gajendragadkar, Subhash V.; Gant, Allen Louis; Garada, Hazem Salah; Garza, Gilberto A.; Getty, Paul Allen; Gingold, Glenn Adam; Glaser, Marilyn Knoll; Goldweber, Brian A.; Goodarzi, Ali Assghar; Gore, Timothy Joseph; Green, Samuel M.; Griffith, John Perry Jr.; Guanzon, Noel A.;

Hamrick, George Vincent; Hansel, John Seybert Jr.; Hanson, Gary Arnold; Harika, Jopindar Pal; Harish, Gorli; Harper, Morris Earl; Harrah, John Dae; Harrison, Hollister Summers; Hayden, Constance N.; Healy, Paul Thomas; Hembree, Wanda Marie; Hendricks, Daniel Ewell; Henshaw, Raymond E. II; Henson, Scott; Herceg, Robert J.; Hirsch, Harry Anthony; Hochman, Victor; Hoffman, James David; Homily, Blessing Bennett; Hoover, Katherine Anne; Howsare, Charles Robert; Hughes, Francis Homer Jr.; Hung, Cheng Tong;

Ignatiadis, Panayotis; Irisari, Oscar Solidum; Iskander, Hany Maurice; Jain, Vijay K.; Jereza, Ramon C.; Josovitz, Mark Steven; Karpilow, Craig; Kelchak, Joseph Andrew; Kelly, Francis William Jr.; Khalil, Ghassan Abou; Khan, Farukh Ahmed; Khatib-Shahidi, Mani; Khoury, Elias Haikal; Khurana, Amar Nath; Klinestiver, Donald Gerould; Knull, Alan Franklin; Koh, Yung Hie; Kohal, Surinder Singh; Kondroski, Elaine Marie; Koon, Richard Ethen; Korstanje, Marion C.; Kostenko, Michael Merritt; Koukol, Steven Charles; Koussayer, Tarek; Kramer, Robert Edward;

Lawrence-Berrey, Robert Edmond; Lee, Kee Chin; Leo, Sherwood P.; Leppla, David Charles; Lewis, Michael Lloyd; Liberman, Joseph; Linger, Harry Teter; Lirio, Apolonio E. Jr.; Liu, Edward Ting; Livingstone, Samuel A; Long, Thomas Porter; Lucas, Chaikitsh V.; Lucktong, Boonlua;

Mahood, John J.; Majmundar, Gauravi K.; Malone, Daniel Ray; Maouad, Michel Ibrahim; Marshall, John Talmadge; Martinez, Orestes A.; Mayron, Charles David; McCaffrey, Garfield B.; McCarty, George Eugene; McClure, David Cameron; McIntosh, Michael Stephen; Meek, Robert Baxter; Mercer, Michael J.; Merkin, Bruce J.; Michael, Gary E.; Miller, John C.; Miller, John Joseph; Miller, Stephen Blaine; Mitchell, Thomas E. Jr.; Modi, Shakuntala; Morehead, Raymond August; Muzaffer, Rahmet; Myers, Karl Johnson Jr.; Mynes, Chester Franklin;

Nelson, Trudy Joyce; Nerz, Paul Michael; Nichols, Carl Edwin; Nolan, Mark Warren; O'Donnell, Robert W.; O'Hara, Brendan Linus; Olaf, Charles R.; Olivas, Odilon Santiago; Ortiz, Serafin T.; Park, Thomas June; **Passidomo**, Michael A.; Patel, Aneel N.; Patterson, Kevin M.; Pavilack, Sidney; Pedrosa, Dora I.; Peterson, Frank R.; Phalsaphie, Mansour; Pickens, James Keith; Plymale, Wayne Joseph; Ponce, Francisco Deleon;

Quarequio, Francesco; Rahimian, Ali; Rajan, V.K. Suresh; Ram, Moorthy S.; Rashid, Richard C.; Rayevsky, Igor G.; Reckenthaler, Karl J.; Reyes, Charles Wesley; Reyes, Samson Dypiangco Jr.; Rhodes, Maurice Clement; Rikhy, Swaraj Singh; Rizvi, Hil; Roberts, Gary F.; Roberts, Samuel K.; Romano, Thomas James; Romero, Erdulfo Silan; Roxas, Felixberto R.; Ruben, Alan Marshall; Rydland, Danine Anne;

Saldanha, Francis Maxim; Saldanha, Joseph P.; Salon, Iligino Fernandez; Salutillo, Victor P.; Scarzella, Giulio I.; Scharf, Charles Selden; Schieve, Donald Reynolds; Schles, Marvin; Schmidt, James L.; Schmitt, Susan Ann; Shafer, Diane E.; Shaver, Joseph Emmett; Shepherd, James Banks Jr.; Shumaker, Scott D.; Sibley, Richard Henry;

Silverstein, Alan J.; Simkovich, Valerie A.; Singh, Ram; Sizemore, Hiram Jr.; Sloan, Clinton W.; Smith, Rodney Lester; Sokoll, Martin David; Soule, Arthur Bradley III; Spencer, Frederick A. Jr.; Spencer, James Thomas; Stadtmiller, Richard J.; Starr, Robert; Stephenson, Melanie Ann; Stollings, James Edward; Sumner, Calvin Russell;

Tamea, Conrad D. Jr.; Tarakji, Muhib Shukri; Tordilla, Plaridel Palma; Trujillo, Ralph Eusebio; Turgut, Hasan M.; Urrego, Francisco; Urrego-Diaz, Francisco; Vandiveer, Carol Ann; Veiga-Bonilla, Carlos V.; Vemuri, Dwarka Nath; Villanueva, Eusebio L.; Vincent, Alfred James; Von Lührte, Tommy; Vondran, Janet Elise; Vutla, Prasad Venkata S.; Vyas, Subhash A.;

Wall, Wendell Allan Jr.; Walter, Steven Wayne; Wang, Shen Kuang; Webb, Deleno H. III; Webb, Nancy Rapisardi; Weinstein, George W.; West, Paul Richard; Whelan, Frances Joseph; Whelan, Francis J.; Whitley, Ebb Keister Jr.; Willems, William Joseph; Wilson, Paul Wesley; Wisman, Richard Camp; Woodford, James William; Yates, James Ernest; Ybanez, Benjamin Casis; Yocum, Richard A.; Zaman, Qamar U.; Zamzam, Salih M.

To contact staff writer John Heys, use e-mail or call 348-1254.

**CORRECTION-DATE:** August 2, 2003, Saturday

**CORRECTION:**

A list of questionable doctors provided by Public Citizen, a consumer group based in Washington, D.C., published in Wednesday's Gazette included the name of Dr. John

J. Mahood, who has had no disciplinary action taken against him by the West Virginia Board of Medicine, according to the board's executive director, Ron Walton.

Mahood, now deceased, served on the Board of Medicine. In 1994, Mahood asked to have the status of his license changed from active to inactive status at his retirement, rather than during the usual time period for license renewals. Walton said state law requires the board to report these changes in license status in a different way from status changes made during renewal periods.

Dr. Sidney Wolfe, director of Public Citizen's health research group, said Public Citizen was not aware of Mahood's death and would remove his name from its list. Wolfe said the group's list of doctors was based on information provided by the West Virginia Board of Medicine.

**LOAD-DATE:** July 30, 2003

Source: [News & Business > Individual Publications > C > The Charleston Gazette](#) 

Terms: [passidomo](#) ([Edit Search](#) | [Suggest Terms for My Search](#))

View: Full

Date/Time: Monday, June 16, 2008 - 3:57 PM EDT

# EXHIBIT H



**New York State Board for Professional Medical Conduct**

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Barbara A. DeBuono, M.D., M.P.H.  
Commissioner of Health

Charles J. Vacanti, M.D.  
Chair

March 5, 1997

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Michael A. Passidomo, M.D.  
162 South Mayo Trail  
PO Box 2037  
Pikeville, KY 41502

Re: License No. 118872

Dear Dr. Passidomo:

Enclosed please find Order #BPMC 97-54 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct  
New York State Department of Health  
433 River Street, Suite 303  
Troy, New York 12180-2299

Sincerely,

Charles Vacanti, M.D.  
Chair  
Board for Professional Medical Conduct

Enclosure

cc: Marla S. Buckles, Esq.  
McBrayer, McGinnis, Leslie & Kirkland, PLLC  
163 West Short Street, Suite 300  
Lexington, KY 40507-1361

Roy Nemerson, Esq.

NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER  
OF  
**MICHAEL A. PASSIDOMO, M.D.**

APPLICATION  
TO  
SURRENDER  
LICENSE  
#118872  
UPON  
MODIFICATION  
OF ORDER  
#BPMC 95-66  
#BPMC 97-54

Upon the Application of MICHAEL A. PASSIDOMO, M.D. (Respondent) to Surrender License #118872 upon Modification of Order #BPMC 95-66, which Application and Order are made a part hereof, it is

ORDERED, that the application and the provisions thereof are hereby adopted; it is further

ORDERED, that Order #BPMC 95-66 is hereby Modified; it is further

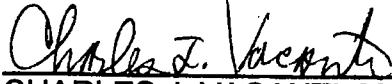
ORDERED, that this shall not constitute a new or additional disciplinary action against Respondent but shall constitute a modification of the sanction imposed by Order #BPMC 95-66 and shall be publically reportable as such; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order via certified mail, whichever is earliest.

SO ORDERED.

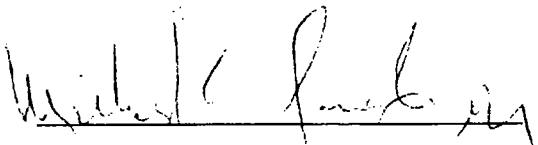
DATED: 28 February 1997

  
CHARLES J. VACANTI, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct

my license to practice medicine in the State of New York for the sanction originally imposed by Order #BPMC 95-66. I understand and agree that the charges and plea upon which that Order was based will remain unchanged.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, relieving me of the various costs and burdens of compliance with Order #BPMC 95-66, I knowingly waive any right I may have to contest the Order for which I hereby apply, whether administratively or judicially, I agree that I shall not reapply for licensure to practice medicine in the State of New York, and ask that the Application be granted.



MICHAEL A. PASSIDOMO, M.D.  
RESPONDENT

Sworn to before me this

20 day of February, 1997.

Elizabeth W. Cander  
NOTARY PUBLIC

my Commission Expires:

January 22, 2001

DATE: 2/26/97

Anne Saile  
ANNE F. SAILE  
Director  
Office of Professional Medical  
Conduct

DATE: 28 February 1997

Charles J. Vacanti  
CHARLES J. VACANTI, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER  
OF  
MICHAEL ANTHONY PASSIDOMO, M.D.

APPLICATION  
FOR  
CONSENT ORDER

STATE OF KENTUCKY )  
COUNTY OF PIKE ) ss.

MICHAEL ANTHONY PASSIDOMO, M.D., being duly sworn, deposes and says:  
That on or about January 28, 1974, I was licensed to practice as a physician in  
the State of New York, having been issued License No. 118872 by the New York State  
Education Department.

My current address is 534-536 Mayo Trail, Suite 302, Pikeville, Kentucky 41501  
and I will advise the Director of the Office of Professional Medical Conduct of any  
change of my address.

I understand that the New York State Board for Professional Medical Conduct  
has charged me with one specification of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and  
marked as Exhibit "A".

I admit guilt to the first specification, including, but limited to, paragraph "1." and  
paragraph "1. f.", in full satisfaction of the charges against me. I hereby agree to a  
sanction of three months suspension, such suspension to be stayed, and further agree  
to a two year period of probation, to be tolled unless and until I commence the practice  
of medicine in the State of New York, the terms of such period of probation being fully  
stated in Exhibit "B" annexed hereto and made a part hereof.

I hereby make this Application to the State Board for Professional Medical  
Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board,

NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

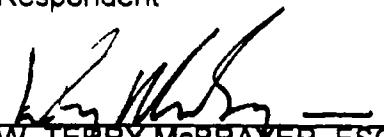
IN THE MATTER  
OF  
**MICHAEL ANTHONY PASSIDOMO, M.D.**

APPLICATION  
FOR  
CONSENT ORDER

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

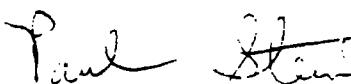
DATE: \_\_\_\_\_

**MICHAEL ANTHONY PASSIDOMO, M.D.**  
Respondent

  
W. TERRY McBRAYER, ESQ.  
Attorney for Respondent

DATE: 3/5/95

DATE: 3-14-95

  
PAUL STEIN, ESQ.  
Associate Counsel  
Bureau of Professional  
Medical Conduct

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----x

In the Matter : STATEMENT  
of : OF  
MICHAEL ANTHONY PASSIDOMO, M.D. : CHARGES

-----x

MICHAEL ANTHONY PASSIDOMO, M.D., the Respondent, was authorized to practice as a physician in New York State on January 28, 1974 by the issuance of license number 118872 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine in the State of New York. His current address is 534-536 Mayo Trail, Suite 302, Pikeville, Kentucky 41501.

FACTUAL ALLEGATIONS

A. In an Agreed Order filed of record on April 1, 1994, the Commonwealth of Kentucky, State Board of Medical Licensure (hereinafter referred to as "the Kentucky Board") suspended Respondent's license to practice medicine in the state of Kentucky for a period of three months. The suspension was "probated for a period of three (3) years", subject to various terms of probation. This action was based upon a complaint filed of record on July 27, 1993 by the Kentucky Board in which it was charged:

- a. "Practicing the profession fraudulently or beyond its authorized scope" (Educ. Law sec. 6530 (2) (McKinney Supp. 1995)); and/or
- b. "Practicing the profession with gross negligence on a particular occasion" (Educ. Law sec. 6530 (4) (McKinney Supp. 1995)); and/or
- c. "Practicing the profession with gross incompetence" (Educ. Law sec. 6530 (6) (McKinney Supp. 1995)); and/or
- d. "Practicing the profession with negligence on more than one occasion" (Educ. Law sec. 6530 (3) (McKinney Supp. 1995)); and/or
- e. "Practicing the profession with incompetence on more than one occasion" (Educ. Law sec. 6530 (5) (McKinney Supp. 1995)); and/or
- f. "Ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient" (Educ. Law sec. 6530 (35) (McKinney Supp. 1995)).

Dated: New York, New York  
February 19, 1995

  
CHRIS STERN HYMAN  
Counsel  
Bureau of Professional  
Medical Conduct

8. Thirty days prior to the commencement of the practice of medicine in New York State, or resumption of the practice of medicine in New York State if Respondent has not yet completed the two year period of probation, Respondent shall, by certified or registered mail, notify the Director of the Office of Professional Medical Conduct, at the address in paragraph 2 above, of such commencement or resumption of practice. Within one week of the discontinuance of the practice of medicine in the State of New York, if Respondent will not have completed the two year period of probation before such discontinuance, Respondent shall, by certified or registered mail, notify the Director of the Office of Professional Medical Conduct, at the address in paragraph 2 above, of such discontinuance.
9. During the two year period of probation, Respondent shall have quarterly meetings with an employee or designee of the Office of Professional Medical Conduct. During these quarterly meetings, Respondent's professional performance shall be monitored by having a random selection of his office records, patient records, and hospital charts reviewed by such employee or designee. Respondent shall cooperate fully in making available such records and charts.
10. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.

# EXHIBIT I

RENDERED: DECEMBER 5, 2003; 2:00 p.m.

NOT TO BE PUBLISHED

Commonwealth Of Kentucky  
Court of Appeals

NO. 2002-CA-002326-MR

**MICHAEL A. PASSIDOMO, M.D.**

AND

**MICHAEL A. PASSIDOMO, P.S.C.**

APPELLANTS

APPEAL FROM FRANKLIN CIRCUIT COURT

v.

HONORABLE ROGER L. CRITTENDEN, JUDGE

ACTION NO. 01-CI-00230

COMMONWEALTH OF KENTUCKY,  
CABINET FOR HEALTH SERVICES,  
DEPARTMENT FOR MEDICAID SERVICES

APPELLEES

OPINION

AFFIRMING

\*\*\* \* \* \*

BEFORE: BUCKINGHAM, COMBS, AND DYCHE, JUDGES.

BUCKINGHAM, JUDGE: Dr. **Michael A. Passidomo** appeals from an order of the Franklin Circuit Court affirming a decision by the Kentucky Cabinet for Health Services which determined that Dr. Passidomo owed the Cabinet \$119,208.38 based on a denial of claims submitted by him for MRI

<sup>1</sup>  
services provided to Medicaid recipients. We affirm.

<sup>1</sup>  
Magnetic Resonance Imaging.

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Page 2

-2-

Dr. Passidomo was a neurologist practicing in Pikeville, Kentucky.

<sup>2</sup>  
He was the only neurologist in Pike County, and he owned and operated Appalachian MRI, Inc., a clinic that provided MRI and other diagnostic services.

<sup>3</sup>  
The clinic where the MRI scanner was located was not at the same

location as Dr. Passidomo's office.

Vicky Cole, a registered nurse and investigator from the Surveillance and Utilization Review Subsystem (SURS) Branch of the Department of Medicaid Services conducted a review of Dr. Passidomo's records beginning in October 1993. This review covered claims for MRI services provided by Appalachian MRI, Inc., for the period from March 1, 1992, through June 30, 1993. The SURS review conducted at that time identified 141 identical claims submitted by Dr. Passidomo's clinic in which a precontrast MRI scan was performed on a particular Medicaid recipient followed one or two days later by a contrast-enhanced MRI scan for the same recipient.

The SURS review also included a sampling of Dr.

Passidomo's patient records and MRI scans for 20 of the 141 claims at issue. Based on this review, it was determined that Dr. Passidomo failed to establish medical necessity for the

<sup>2</sup>Dr. Passidomo is now retired.

<sup>3</sup>The entity, Appalachian MRI, Inc., was subsequently renamed Michael A. Passidomo, P.S.C.

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Page 3

-3-

performance of the contrast-enhanced MRI scans after the precontrast MRI scans had been performed and that there was no record of physician-patient contact regarding the performance of the contrast-enhanced scans. Nurse Cole therefore concluded that Dr. Passidomo's claims for MRI services totaling \$119,208.38 were improper.

Dr. Passidomo requested an administrative review of the denial pursuant to 907 KAR

<sup>4</sup>1:671, § 9. A hearing was held before an administrative law judge (ALJ) at which time the Cabinet presented the testimony of Nurse Cole, Nurse Caroline Combs, and Dr. James Lee. Dr. Passidomo testified on his own behalf and presented testimony from Dr. Murray Solomon. In a hearing report dated April 29, 1996, the ALJ determined that the Cabinet was entitled to recover the sum of \$119,208.38 from Dr. Passidomo. The Secretary of the Cabinet for Health Services adopted the ALJ's report as final on May 9, 1996.

Dr. Passidomo appealed this decision to the Franklin Circuit Court, which entered a judgment in favor of Dr. Passidomo on March 3, 1998. The court found that the Cabinet's actions were arbitrary. In particular, the court concluded that the Cabinet treated operators of low field scanners differently from those who operated high field scanners. Further, the court noted that questions remained concerning whether the contrast-

<sup>4</sup>Kentucky Administrative Regulations.

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Page 4

-4-

enhanced scans were medically necessary and whether the use of two billing codes by Dr. Passidomo resulted in greater cost to the Medicaid program. Thus, the court reversed the ALJ's decision and remanded the case for further proceedings. After the case was remanded, a new hearing officer was assigned to the case because the first ALJ had ended his employment with the Cabinet. Also, the parties agreed that the issue of the use of two billing codes would not be dispositive of the case. On December 22, 2000, the second hearing officer rendered Findings of Fact, Conclusions of Law, and Recommended Decision. In an eight-page decision, the hearing officer concluded that Dr. Passidomo "has failed to substantiate the medical necessity of the contrast-enhanced MRI scans via the medical records as required by the Manual." In short, the hearing officer ruled in favor of the Cabinet as to its right to recoup the money from Dr. Passidomo. On January 23, 2001, the Secretary for the Cabinet for Health Services adopted the hearing officer's report.

Dr. Passidomo once again appealed to the Franklin Circuit Court. The Cabinet filed a motion to dismiss the appeal for failure of Dr. Passidomo to exhaust his administrative remedies. In particular, the Cabinet argued that Dr. Passidomo's exceptions to the hearing officer's report were untimely filed. Finding that there was substantial reason to

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Page 5

-5-

believe that the Cabinet's usual practices concerning the entering and mailing of orders were not followed, the circuit court entered an order on April 5, 2002, directing the Secretary to consider Dr. Passidomo's exceptions.

After considering Dr. Passidomo's exceptions, the Secretary once again affirmed the hearing officer's report. The Secretary's order was entered on May 23, 2002. Rather than file a new appeal, a motion was filed in the same case in the Franklin Circuit Court submitting the matter for final adjudication.

The circuit court entered its final order on October 17, 2002. After presenting the procedural history of the case and reviewing the applicable case law involving a court's authority when reviewing an administrative agency action, the court then held as follows:

Having examined the record, the testimony of the individual's [sic] in question, and other evidence, this Court concludes that

sufficient, admissible information exists to support the findings of fact made by the ALJ and the decision of the Cabinet that it is entitled to recoup the funds is supported by substantial evidence.

Dr. Passidomo's appeal to this court followed.

Dr. Passidomo's first argument is that the circuit court violated his due process rights by failing to produce an opinion capable of review by this court. Dr. Passidomo refers

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Page 6

-6-

to the court's opinion as "a cursory opinion." Dr. Passidomo's description of the court's opinion is correct to the extent it resolved the case in the one sentence set forth above and did not discuss what "substantial evidence" supported the Cabinet's decision.

This court stated in Commonwealth, Dept. of Educ. v. Commonwealth, Ky. App., 798 S.W.2d 464, 467 (1990), that "[t]he position of the circuit court in administrative matters is one of review, not reinterpretation." In reviewing the Cabinet's decision, the circuit court could review whether the Cabinet acted in excess of its granted powers, whether all parties were afforded due process of law, and whether the Cabinet's action was supported by substantial evidence. American Beauty Homes Corp. v. Louisville & Jefferson County Planning and Zoning Comm'n, Ky., 379 S.W.2d 450, 456 (1964). See also KRS

<sup>5</sup>  
13B.150.

As it does not appear that there were issues concerning whether the Cabinet acted in excess of its granted powers or whether Dr. Passidomo was afforded his due process rights in connection with the Cabinet proceedings, Dr. Passidomo's complaint is that the circuit court did not explain its reasons for holding that the Cabinet's decision was supported by substantial evidence. Dr. Passidomo asserts that "the reviewing Circuit Court must clearly explain the reasoning that supports its action in order to

<sup>5</sup>  
Kentucky Revised Statutes.

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Page 7

-7-

provide for meaningful appellate review." He maintains that the failure of the circuit court to explain its reasoning violates his due process rights.

It is true that the Cabinet was required to "make findings of basic evidentiary facts, as opposed to a simple statement which reaches a conclusion and quotes the words of a statute." Shields v. Pittsburg & Midway Coal Mining Co., Ky.

App., 634 S.W.2d 440, 443 (1982). See also *Caller v. Ison*, Ky., 508 S.W.2d 776 (1974). However, these cases relate to the necessity of fact findings by an administrative agency and do not relate to fact findings to be made by the circuit court. Where circuit courts review administrative agency decisions, the court does not make additional fact findings but rather reviews the actions of the administrative agency. Commonwealth, Dep't of Educ., *supra*. In short, although the circuit court did not explain the reasons for its decision, it made the necessary determination concerning whether there was substantial evidence to support the Cabinet's decision. We find no error in the manner and form in which the court affirmed the Cabinet's decision.

Dr. Passidomo's second argument is that the court's decision was arbitrary and capricious because it was not supported by substantial evidence and was incorrect as a matter of law. His argument has three parts. First, he argues that

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Page 8

-8-

the circuit court committed clear error when it failed to identify the standard of medical practice for a neurologist in Pike County, Kentucky. Second, he argues that the circuit court failed to give Dr. Passidomo's testimony as a treating physician the weight to which it was entitled as a matter of law. Third, he argues that by affirming the Cabinet's decision, the circuit court erroneously upheld a decision that was not supported by substantial evidence.

In connection with the standard of medical practice for a neurologist in the Pike County area, Dr. Charles Lee, a neuroradiologist, testified on behalf of the Cabinet. The hearing officer determined that Dr. Lee, who practiced at the University of Kentucky, was an expert in neuroradiology and that Dr. Lee was familiar with the standard of medical practice in the nation and in Kentucky. Dr. Lee testified that he was familiar with Medicaid rules and policies regarding the medical necessity and use of MRI, that he was familiar with the medical standards in Eastern Kentucky because the University of Kentucky receives many referrals from the area, that he has experience using low field scanners, that he was familiar with applicable national and Kentucky standards, that he reads 40-50 scans per year from low field scanners which are referred to the radiology department from other neurosurgeons, and that the medical need for a contrast-enhanced MRI was no different for individuals

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Page 9

-9-

living in Lexington, Kentucky, than it was for individuals

living in Pikeville, Kentucky. Based on his qualifications, training, and practice, Dr. Lee testified that the contrast-enhanced MRI scans provided by Dr. Passidomo were not medically necessary.

While Dr. Passidomo argues that Dr. Lee's testimony was "unreliable and entitled to no probative value," we believe otherwise. Rather, it appears obvious to us that Dr. Lee was qualified to give his opinion as to the medical necessity of the MRI scans. Furthermore, the Cabinet hearing officer was entitled to choose between the conflicting testimony presented to him.

<sup>6</sup>

See *Square D Co. v. Tipton*, Ky., 862 S.W.2d 308, 309 (1993).

The second part to Dr. Passidomo's second argument is that the Cabinet and the circuit court failed to give Dr. Passidomo's testimony as a treating physician the weight to which it was entitled as a matter of law. He argues that there is a "treating physician doctrine" under which courts must give the testimony of treating physicians deference over the testimony of nontreating physicians. Thus, he asserts that his

<sup>6</sup>Dr. Arthur Solomon, a neuroradiologist, testified on behalf of Dr. Passidomo. Dr. Solomon testified that seventeen of the twenty contrast-enhanced MRI scans appeared to be medically necessary. However, Dr. Solomon testified that the medical necessity of the scans was outside his area of expertise.

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Page 10

-10-

testimony concerning medical necessity should have been given greater weight than the testimony of Dr. Lee.

Dr. Passidomo failed to cite any Kentucky case law which would support his position. Furthermore, the federal cases upon which he relies are distinguishable and do not persuade us to support his position. In short, it was for the fact finder to choose between the conflicting testimony of the experts, see *Square D*, *supra*, and Dr. Passidomo's testimony was not entitled to be given greater weight than the testimony of the other experts.

The last part of Dr. Passidomo's second argument is that the Cabinet's decision was not supported by substantial evidence. Specifically, he argues that the Cabinet "failed to substantiate the finding of medical necessity" and that the Secretary "did not articulate any facts to support that legal conclusion." In short, Dr. Passidomo's argument is that the Cabinet's decision was arbitrary as a matter of law because it was not supported by substantial evidence.

"So long as the agency's decision is supported by substantial evidence of probative value, it is not arbitrary and

must be accepted as binding by the appellate court." Aubrey v. Office of Attorney Gen., Ky. App., 994 S.W.2d 516, 519 (1998). "Substantial evidence is defined as evidence of substance and relevant consequence, having the fitness to induce conviction in

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**Page 11**

-11-

the minds of reasonable people." Id. "[T]he possibility of drawing two inconsistent conclusions from the evidence does not prevent an administrative agency's finding from being supported by substantial evidence." Bowling v. Natural Resources, Ky. App., 891 S.W.2d 406, 410 (1994), quoting Kentucky State Racing Comm'n v. Fuller, Ky., 481 S.W.2d 298, 307 (1972).

Dr. Lee testified that the contrast-enhanced MRI scans performed by Dr. Passidomo were not medically necessary. Dr. Solomon testified that seventeen of the twenty contrast-enhanced MRI scans performed by Dr. Passidomo appeared to be medically justified. However, Dr. Solomon also testified that the medical necessity of the scans was outside his area of expertise. Dr. Passidomo testified that the scans were medically necessary. Dr. Passidomo challenges the value and credibility of Dr. Lee's testimony. However, "the trier of facts is afforded great latitude in its evaluation of the evidence heard and the credibility of witnesses appearing before it." Bowling, 891 S.W.2d at 409-10. "[I]t is the exclusive province of the administrative trier of fact to pass upon the credibility of witnesses, and the weight of the evidence." Id., citing Kentucky State Racing Comm'n, *supra*. We conclude there was substantial evidence to support the findings and conclusions of the hearing officer.

The order of the Franklin Circuit Court is affirmed.

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**Page 12**

-12-

ALL CONCUR.

BRIEFS FOR APPELLANT:

Holly J. Turner

Lisa English Hinkle

Lexington, Kentucky

ORAL ARGUMENT FOR APPELLANT:

Lisa English Hinkle

Lexington, Kentucky

BRIEF AND ORAL ARGUMENT FOR

APPELLEES:

Paula J. Holbrook

Office of the General Counsel

Frankfort, Kentucky

# EXHIBIT J



**FOR IMMEDIATE RELEASE**  
**ATTN: Business/Financial Editors**

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**(877) 622-7530**

**Nuveen Multi-Strategy Income and Growth Fund 2 Issues**  
**Second At-Par Redemption Notices for Auction-Rate Securities**

CHICAGO, May 22, 2008 – Nuveen Multi-Strategy Income and Growth Fund 2 (NYSE: JQC) today announced that it has called for redemption at par outstanding shares of its auction-rate preferred shares (ARPS). The fund's Board of Trustees has approved the redemption, which is part of a refinancing expected to lower the relative costs of leverage for the fund over time while also providing liquidity at par for the holders of at least some of Nuveen Multi-Strategy Income and Growth Fund 2's ARPS.

JQC is redeeming \$240 million of its \$565 million currently outstanding ARPS. As previously announced, this represents the second of two planned stages approximately a month apart which together total \$640 million. The table below lists the total number of shares, par amounts and scheduled redemption dates for the second stage of redemptions:

<b>Series</b>	<b>Cusip #</b>	<b>Total Shares Redeemed</b>	<b>Total Amount Redeemed</b>	<b>Redemption Date</b>
M	67073D201	960	\$24,000,000	June 3, 2008
M2	67073D300	960	\$24,000,000	June 3, 2008
T	67073D409	960	\$24,000,000	June 4, 2008
T2	67073D508	960	\$24,000,000	June 4, 2008
W	67073D607	960	\$24,000,000	May 29, 2008
W2	67073D706	960	\$24,000,000	May 29, 2008
TH	67073D805	960	\$24,000,000	May 30, 2008
TH2	67073D888	960	\$24,000,000	May 30, 2008
F	67073D870	960	\$24,000,000	June 2, 2008
F2	67073D862	960	\$24,000,000	June 2, 2008



The ARPS in the Nuveen Multi-Strategy Income and Growth Fund 2 being redeemed will be replaced with new borrowings. With respect to the partial redemption for JQC, The Depository Trust Company (DTC), the securities' holder of record, determines how a partial series redemption will be allocated among each participant broker-dealer account. Each participant broker-dealer, as nominee for underlying beneficial owners (street name shareholders), in turn determines how redeemed shares are allocated among its underlying beneficial owners. The procedures used by different broker-dealers to allocate redeemed shares among beneficial owners may differ from each other as well as from the procedures used by DTC.

Nuveen Investments provides high quality investment services designed to help secure the long-term goals of institutions and high net worth investors as well as the consultants and financial advisors who serve them. Nuveen Investments markets its growing range of specialized investment solutions under the high-quality brands of NWQ, Santa Barbara, Tradewinds, Rittenhouse, Symphony and Nuveen, including the Nuveen HydePark Group. In total, the Company managed \$153 billion in assets as of March 31, 2008.

### ***FORWARD LOOKING STATEMENTS***

*Certain statements made in this release are forward-looking statements. Actual future results or occurrences may differ significantly from those anticipated in any forward-looking statements due to numerous factors. These include, but are not limited to: changes in securities or financial markets or general economic conditions, including changes in interest rates for borrowings, and other risks discussed from time to time in the fund's filings with the Securities and Exchange Commission. Nuveen Investments and the closed-end funds managed by Nuveen Investments and its affiliates undertake no responsibility to update publicly or revise any forward-looking statements.*

###



**FOR IMMEDIATE RELEASE**  
**ATTN: Business/Financial Editors**

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**(877) 622-7530**

**Nuveen Multi-Strategy Income and Growth Fund 2 Issues**  
**At-Par Redemption Notices for Auction-Rate Securities**

CHICAGO, April 18, 2008 – Nuveen Multi-Strategy Income and Growth Fund 2 (NYSE: JQC) today called for redemption at par outstanding shares of its auction-rate preferred shares (ARPS). The fund's Board of Trustees has approved the redemption, which is part of a refinancing expected to lower the relative costs of leverage for the fund over time while also providing liquidity at par for the holders of at least some of Nuveen Multi-Strategy Income and Growth Fund 2's ARPS.

JQC is initially redeeming \$400 million of its \$965 million ARPS. As previously announced, this represents the first of two planned stages approximately a month apart which together are expected to total \$640 million. The table below lists the total number of shares, par amounts and scheduled redemption dates for the first stage of redemptions:

Series	Cusip #	Total Shares Redeemed	Total Amount Redeemed	Redemption Date
M	67073D201	1,600	\$40,000,000	May 6, 2008
M2	67073D300	1,600	\$40,000,000	May 6, 2008
T	67073D409	1,600	\$40,000,000	May 7, 2008
T2	67073D508	1,600	\$40,000,000	May 7, 2008
W	67073D607	1,600	\$40,000,000	May 8, 2008
W2	67073D706	1,600	\$40,000,000	May 8, 2008
TH	67073D805	1,600	\$40,000,000	May 9, 2008
TH2	67073D888	1,600	\$40,000,000	May 9, 2008
F	67073D870	1,600	\$40,000,000	May 12, 2008
F2	67073D862	1,600	\$40,000,000	May 12, 2008



The ARPS in the Nuveen Multi-Strategy Income and Growth Fund 2 being redeemed will be replaced with new borrowings. With respect to the partial redemption for JQC, The Depository Trust Company (DTC), the securities' holder of record, determines how a partial series redemption will be allocated among each participant broker-dealer account. Each participant broker-dealer, as nominee for underlying beneficial owners (street name shareholders), in turn determines how redeemed shares are allocated among its underlying beneficial owners. The procedures used by different broker-dealers to allocate redeemed shares among beneficial owners may differ from each other as well as from the procedures used by DTC.

Nuveen Investments provides high quality investment services designed to help secure the long-term goals of institutions and high net worth investors as well as the consultants and financial advisors who serve them. Nuveen Investments markets its growing range of specialized investment solutions under the high-quality brands of NWQ, Santa Barbara, Tradewinds, Rittenhouse, Symphony and Nuveen, including the Nuveen HydePark Group. In total, the Company managed \$164 billion in assets as of December 31, 2007.

#### ***FORWARD LOOKING STATEMENTS***

*Certain statements made in this release are forward-looking statements. Actual future results or occurrences may differ significantly from those anticipated in any forward-looking statements due to numerous factors. These include, but are not limited to: changes in securities or financial markets or general economic conditions, including changes in interest rates for borrowings, and other risks discussed from time to time in the fund's filings with the Securities and Exchange Commission. Nuveen Investments and the closed-end funds managed by Nuveen Investments and its affiliates undertake no responsibility to update publicly or revise any forward-looking statements.*

###

# EXHIBIT K

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Closed-End Funds

## For Immediate Release

### Franklin Templeton Limited Duration Income Trust Announces Refinancing of Certain Auction Preferred Shares

From:

**Franklin Advisers, Inc.**

Telephone:

(800) 223-2141

Contact:

Franklin Templeton Fund Information

San Mateo, CA, May 21, 2008 – Franklin Templeton Limited Duration Income Trust [AMEX:FTF], a closed-end investment company managed by Franklin Advisers, Inc., announced today its intention to refinance approximately \$100 million of its auction preferred shares (APS), representing approximately 53% of the Fund's outstanding APS. Franklin Templeton Limited Duration Income Trust (the "Fund") is the only fund within Franklin Templeton Investments that has outstanding APS.

Approved by the Fund's Board of Trustees, the alternate form of leverage, principally through the use of mortgage dollar rolls, is expected to lower the cost of leverage for common shareholders. It is also expected that this action will provide liquidity, at the liquidation preference per share, for a portion of the APS held by the Fund's preferred shareholders. Franklin Advisers believes that this financing option is in the best interest of the Fund's common shareholders and holders of APS. Franklin Advisers presently believes that mortgage dollar rolls provide an attractive and available source of financing. However, Franklin Advisers can make no assurance that any alternative forms of leverage, including mortgage dollar rolls, used by the Fund can be entered into or will not become more expensive or unavailable in the future.

Following this proposed refinancing, the Fund will continue to meet the asset coverage requirements mandated by the Investment Company Act of 1940 and the appropriate rating agencies. Franklin Advisers, as the Fund's investment manager, continues to work with the underwriters of the APS and other financial institutions to explore alternative financing options that could be in the best interests of the Fund's common shareholders and the holders of the remaining APS.

The Fund intends that this partial redemption of the APS will be implemented on a pro rata basis across the Fund's three outstanding series of APS, beginning on or about June 9, 2008. The Depository Trust Company (DTC), the securities' holder of record, will determine how a partial series redemption will be allocated among participant broker dealer accounts. Each participant broker dealer will decide how to allocate redeemed shares among its underlying beneficial owners. The Fund anticipates that the refinancing will be completed by June 12, 2008. As of May 20, 2008, the Fund had total assets of approximately \$548 million, of which approximately \$121 million are in U.S. government agency mortgage-backed securities. Upon completion of the proposed refinancing, it is expected that the Fund will have \$100 million in mortgage dollar rolls outstanding and \$90 million of APS. Going forward, the Fund will treat such mortgage dollar rolls as indebtedness or a borrowing of the Fund and will comply with the related asset coverage requirements of the Investment Company Act of 1940 and the Fund's fundamental investment restrictions relating thereto. The Fund will no longer segregate liquid assets with respect to the mortgage dollar rolls. For a brief period of time while the redemption of the APS is being processed, the total leverage of the Fund represented by the mortgage dollar rolls and the APS will exceed 38% of the Fund's managed assets. However, upon completion of the redemption, the Fund's total leverage will again fall below such 38% target limit.

Franklin Advisers, Inc., is a wholly owned subsidiary of Franklin Resources, Inc. [NYSE:BEN], a global investment management organization operating as Franklin Templeton Investments.

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**FRANKLIN TEMPLETON INVESTMENTS**

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# EXHIBIT L

BUS Legg Mason Seeks Liquidity Solutions for Auction Rate Preferred  
Mar 28 2008 10:33:01

Securities Issued by LMP and Western Asset Closed-End Funds

NEW YORK--(BUSINESS WIRE)--March 28, 2008

Legg Mason, Inc. (NYSE:LM) today announced that the firm and its affiliates are continuing to actively explore potential solutions to restore liquidity to shareholders of auction rate preferred securities (ARPS) issued by seven "LMP" and "Western Asset" branded closed-end funds that are advised by its affiliates. Collectively, these Funds have issued approximately \$672 million in ARPS.

The ARPS market has experienced an unprecedented lack of liquidity that has resulted in failed auctions across the closed-end fund industry. We believe that this continues to be a liquidity issue caused by broader economic conditions and continued severe dislocations in the credit markets; and that it is not a credit issue related to the Funds or their portfolios. The Funds continue to pay interest to preferred shareholders, and continue to be AAA/Aaa-rated by one or more nationally recognized credit agencies.

Given the current interest rate environment, the Funds' managers currently continue to believe that leverage is beneficial to the overall performance of the Funds, even as we anticipate that the preferred auctions may continue to fail. Legg Mason recognizes the importance of resolving this situation and has been working on potential alternative financing solutions with major banks, broker dealers and other financial institutions to address the liquidity issue.

Finding a suitable and viable solution that is equitable to both the common and preferred shareholders presents a number of complex issues. Any potential solution would be subject to factors beyond Legg Mason's control such as market, credit and economic developments and, possibly, regulatory approval. We cannot provide any assurance that potential solutions will be workable, receive all necessary approvals or implemented. At this time we cannot provide definitive timing for a resolution to this issue.

Legg Mason is fully aware of the urgency to resolve this situation, and of the uncertainty, frustration and difficulties these failed auctions have caused for shareholders of these securities, and is committed to explore any and all possible solutions that are equitable to both the preferred and common shareholders of these Funds.

The funds utilizing ARPS are: LMP Corporate Loan Fund Inc. (NYSE: TLI), LMP Real Estate Income Fund Inc. (NYSE: RIT), Western Asset Intermediate Muni Fund Inc. (AMEX: SBI), Western Asset Managed Municipal Fund Inc. (NYSE: MMU), Western Asset Municipal Partners Fund Inc. (NYSE: MNP), Western Asset Zenix Income Fund Inc. (NYSE: ZIF), and Western Asset Premier Bond Fund (NYSE: WEA).

BUS Legg Mason Seeks Liquidity Solutions for Auction Rate Preferred  
Mar 28 2008 10:33:01

Contact the Funds at 1-888-777-0102 for additional information, or consult the Funds' web site at [www.leggmason.com/cef](http://www.leggmason.com/cef). For Western Asset Premier Bond, contact the Fund at 1-866-290-4386 or consult the Fund's web site at [www.westernasset.com](http://www.westernasset.com).

About Legg Mason

Legg Mason is a global asset management firm, with \$998 billion in assets under management as of December 31, 2007. The Company provides active asset management in many major investment centers throughout the world. Legg Mason is headquartered in Baltimore, Maryland, and its common stock is listed on the New York Stock Exchange (NYSE: LM).

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-0- Mar/28/2008 14:33 GMT

# EXHIBIT M

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Not all insurance products from all insurance companies are available in all states.

# EXHIBIT N

BUS Eaton Vance Announces Plan for Three Municipal Income Closed-  
Apr 23 2008 9:51:01

End Funds to Redeem Approximately \$580 Million of Auction Preferred Shares

BOSTON--(BUSINESS WIRE)--April 23, 2008

Eaton Vance Corp. (NYSE: EV) announced today that three municipal income closed-end funds managed by its affiliate, Eaton Vance Management, have secured new financing that the funds intend to use to redeem approximately \$580 million of their outstanding auction preferred shares ("APS") at a redemption price of \$25,000 per share plus the amount of accumulated but unpaid dividends. Eaton Vance Insured Municipal Bond Fund (AMEX: EIM), Eaton Vance Insured California Municipal Bond Fund (AMEX: EVM) and Eaton Vance Insured New York Municipal Bond Fund (AMEX: ENX) (collectively, the "Funds") plan to redeem approximately 65%, 55% and 63%, respectively, of their outstanding APS.

The replacement financing is being provided through the creation by the Funds of Tender Option Bonds ("TOBs"). In creating a TOB, a Fund transfers a highly rated bond held in its portfolio to a special purpose trust that issues two classes of interests: floater certificates, which pay a rate of interest that is reset weekly based on a market-determined spread to a short-term municipal benchmark, and residual certificates, which pay the difference between the interest paid on the underlying bond and the interest paid to floater certificate holders, less TOB program expenses. The Funds will hold the TOB residuals and use the proceeds of the sale of TOB floaters as new financing to replace a portion of their outstanding APS. The floaters are subject to a liquidity backstop financing facility provided by a major financial institution. Although the Funds are utilizing TOBs for the first time, Eaton Vance's municipal income team has invested in TOB residuals on behalf of other funds that it manages since 1993.

Subject to satisfying the notice and other requirements that apply to APS redemptions, a proportionate amount of each series of the Funds' APS is expected to be redeemed at the next dividend payable date on or after May 12, 2008. Limitations on holdings of bonds suitable for TOBs creation and other considerations allow only a partial redemption of the Funds' APS to be feasible at this time. Eaton Vance is working diligently to provide liquidity solutions that will enable the Funds to redeem their remaining outstanding APS. It is not certain when, or if, the Funds' remaining APS will be redeemed. To view a copy of the Funds' APS redemption announcement, see "press releases" on the closed-end fund section of Eaton Vance's web site, at [www.eatonvance.com](http://www.eatonvance.com). To receive a hard copy of this information, call (800) 225-6265.

Eaton Vance manages 29 leveraged closed-end funds that had approximately \$5 billion of APS outstanding collectively as of December 31, 2007. Completion of the APS redemptions being announced today, together with previously announced APS redemptions totaling approximately \$2.7 billion, will reduce the amount of outstanding APS

BUS Eaton Vance Announces Plan for Three Municipal Income Closed-Apr 23 2008 9:51:01

for Eaton Vance-sponsored closed-end funds to approximately \$1.7 billion. Eaton Vance understands that the current disruption in the auction rate securities market imposes significant hardship on APS holders who need access to liquidity. Eaton Vance is working diligently to provide liquidity solutions for its funds' remaining APS holders, and is hopeful that it will be able to do so. Different solutions may be most workable for different types of funds (equity, taxable income and municipal income). It is not certain when, or if, solutions will be available to APS holders of other funds.

#### Conference Call

A conference call to discuss the announced APS redemptions and other auction rate securities market developments will take place at 11:00 a.m. EDT on Friday, April 25, 2008. To listen to the call, dial 1-888-562-3356 and use the following access code: 44823127. A telephone replay of the conference call will be available beginning two hours after completion at 1-800-642-1687. To submit a question to be addressed on the conference call, please send in advance of the call to CEFQuestions@eatonvance.com.

Eaton Vance Corp., a Boston based investment management firm, is listed on the New York Stock Exchange under the symbol EV. Through its subsidiaries, Eaton Vance Corp. manages funds and separate accounts for individuals and institutional clients.

This news release contains statements that are not historical facts, referred to as "forward-looking statements." The Company's actual future results may differ significantly from those stated in any forward-looking statements, depending on factors such as changes in securities or financial markets or general economic conditions, the volume of sales and repurchases of fund shares, the continuation investment advisory, administration, distribution and service contracts, and other risks discussed from time to time in the Company's filings with the Securities and Exchange Commission.

#### CONTACT:

Eaton Vance Corp.

Investor Contact:

Jonathan Isaac, 617-598-8818

or

Media Contact:

Jeanette Harrison-Sullivan, 617-598-8920

-0- Apr/23/2008 13:51 GMT

# EXHIBIT O

BUS Nuveen Investments Announces Board Approval of Tender Option  
Jun 11 2008 17:43:01

Bond Refinancing for Auction-Rate Preferred Shares in Municipal Closed-End Funds

CHICAGO--(BUSINESS WIRE)--June 11, 2008

Nuveen Investments:

- Expects \$1 Billion of ARPS Redemptions by Initial Group of 41 Funds
- 13 Funds to Issue \$560 Million in Redemption Notices Within 2 Weeks
- Announcements on Additional Municipal Funds Expected

Nuveen Investments, a leading global provider of investment services to institutions and high-net-worth investors, today announced Board approval of plans to use tender option bonds (TOBs) to refinance a portion of auction-rate preferred shares (ARPS) in Nuveen municipal closed-end funds, including an initial phase of approximately \$1 billion by 41 funds. Of this amount, Nuveen expects that approximately \$560 million in ARPS redemption notices will be issued within 2 weeks for the following 13 funds:

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Premium Income Municipal Fund (NPI)  
Performance Plus Municipal Fund (NPP)  
Investment Quality Municipal Fund (NQM)  
Quality Income Municipal Fund (NQU)  
Premier Municipal Income Fund (NPF)  
Premium Income Municipal Fund 2 (NPM)  
Premium Income Municipal Fund 4 (NPT)  
Dividend Advantage Municipal Fund (NAD)  
Dividend Advantage Municipal Fund 3 (NZF)  
Insured Municipal Opportunity Fund (NIO)  
New York Quality Income Municipal Fund (NUN)  
California Dividend Advantage Municipal Fund (NAC)  
California Dividend Advantage Municipal Fund 3 (NZH)

\*T

"This marks another step forward in our efforts to address the issues common to ARPS shareholders of our closed-end funds have been facing due to the industry-wide ARPS challenge," said Bill Adams, Executive Vice President, Nuveen Investments. "As noted previously, we believe TOBs present a helpful tool for refinancing ARPS for municipal closed-end funds. The funds' Board of Trustees has authorized us to go forward with creating TOBs to permit the partial refinancing of the ARPS issued by all 87 affected Nuveen municipal closed-end funds, market conditions permitting. After in-depth analysis of many factors, we estimate that an initial group of 41 municipal funds will be able to redeem approximately \$1 billion in ARPS. In coming weeks, we hope to announce additional municipal funds beyond the initial 41 that will be partially redeeming their ARPS."

Under the current TOB-based refinancing plan, in the aggregate, approximately 11% of outstanding ARPS for these 41 funds would be refinanced under current market conditions. For the 13 funds first

BUS Nuveen Investments Announces Board Approval of Tender Option  
Jun 11 2008 17:43:01

planning to issue redemption notices, it is expected that approximately 7% to 20% of each fund's outstanding ARPS will be redeemed depending on the funds' portfolio characteristics and other factors. Nuveen plans to provide information on additional TOB refinancing for its municipal funds on an ongoing basis as TOBs are created and the funds are in a position to issue redemption notices.

TOBs are floating rate securities issued by trusts into which a fund has deposited municipal securities. The proceeds derived from the issuance of TOBs can be used to refinance ARPS. Many Nuveen CEFs already use TOBs as a portfolio structuring and duration management tool. Nuveen has created a team of experts focused on evaluating Nuveen CEFs for expanded implementation of TOBs as an alternative form of leverage replacing ARPS.

Adams noted that Nuveen continues to view TOBs as a partial refinancing solution intended to redeem a portion the funds' ARPS and that Nuveen continues to pursue the development of Variable Rate Demand Preferred (VRDP) shares as another alternative form of leverage to redeem ARPS. The redemption of ARPS using TOBs is not contingent on the potential issuance of VRDP but may be influenced by several factors, including: continuing strong creditworthiness of issuers, insurers and guarantors of bonds in the funds' portfolios; continuing strong creditworthiness and participation of the financial firms that may serve as liquidity providers for TOBs; and the continued interest of tax-exempt money market funds in investing in these sorts of TOBs.

"We are pleased that TOBs will enable us to help provide some liquidity for ARPS shareholders in the near future," Adams said. "With the use of TOBs, we also will gain new flexibility in managing the future leverage levels of our funds."

Below is a list of the 28 funds, which together with those named above are part of the initial \$1 billion of proposed TOB refinancing:

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Municipal Advantage Fund (NMA)  
Select Quality Municipal Fund (NQS)  
Dividend Advantage Municipal Fund 2 (NXZ)  
Nuveen Municipal Market Opportunity Fund (NMO)  
Insured Quality Municipal Fund (NQI)  
Premier Insured Municipal Income Fund (NIF)  
Insured Dividend Advantage Municipal Fund (NVG)  
Insured Tax-Free Advantage Municipal Fund (NEA)  
California Performance Plus Municipal Fund (NCP)  
California Municipal Market Opportunity Fund (NCO)  
California Investment Quality Municipal Fund (NQC)  
California Select Quality Municipal Fund (NVC)  
California Quality Income Municipal Fund (NUC)  
California Premium Income Municipal Fund (NCU)  
California Dividend Advantage Municipal Fund 2 (NVX)  
Insured California Premium Income Municipal Fund (NPC)  
Insured California Premium Income Municipal Fund 2 (NCL)  
Insured California Dividend Advantage Municipal Fund (NKL)  
Insured California Tax-Free Advantage Municipal Fund (NKX)  
New York Performance Plus Municipal Fund (NNP)  
New York Dividend Advantage Municipal Fund (NAN)  
New York Dividend Advantage Municipal Fund 2 (NXK)  
New York Investment Quality Municipal Fund (NQN)  
New York Select Quality Municipal Fund (NVN)

BUS Nuveen Investments Announces Board Approval of Tender Option  
 Jun 11 2008 17:43:01  
 Insured New York Premium Income Municipal Fund (NNF)  
 Insured New York Dividend Advantage Municipal Fund (NKO)  
 Insured New York Tax-Free Advantage Municipal Fund (NRK)  
 Insured Premium Income Municipal Fund 2 (NPX)  
 \*T

Information and updates on Nuveen CEFs and ARPS refinancing are posted regularly at [www.nuveen.com/cef](http://www.nuveen.com/cef) and [www.nuveen.com/arps](http://www.nuveen.com/arps).

Nuveen Investments provides high quality investment services designed to help secure the long-term goals of institutions and high net worth investors as well as the consultants and financial advisors who serve them. Nuveen Investments markets its growing range of specialized investment solutions under the high-quality brands of NWQ, Santa Barbara, Tradewinds, Rittenhouse, Symphony, Nuveen and HydePark. In total, the Company managed \$153 billion in assets as of March 31, 2008.

No TOBs or VRDP shares have been registered under the Securities Act of 1933 (the Securities Act) or any state securities laws. Unless so registered, no TOBs or VRDP shares may be offered or sold in the United States except pursuant to an exemption from the registration requirements of the Securities Act and applicable state securities laws. This press release is neither an offer to sell nor a solicitation of an offer to buy any of these securities.

#### FORWARD LOOKING STATEMENTS

Certain statements made in this release are forward-looking statements. Actual future results or occurrences may differ significantly from those anticipated in any forward-looking statements due to numerous factors. These include, but are not limited to: the ability of the leveraged Nuveen funds that have announced refinancing plans to implement those plans on a timely basis; the ability of the leveraged Nuveen funds intending to use TOBs as part of their announced refinancing plans to structure and create a sufficient number of TOBs from their portfolios; the ability of any leveraged Nuveen fund to negotiate and obtain from financial institutions the liquidity support in amounts necessary for the issuance of TOBs on terms acceptable to the fund and in a timely manner; other legal and regulatory developments; the demand for TOBs in amounts sufficient for any leveraged Nuveen fund to refinance a portion of its leverage; the ability of the Nuveen leveraged funds to negotiate and obtain from broker-dealers or other financial institutions the unconditional put commitments necessary for the issuance of VRDP on terms acceptable to the funds and in a timely manner; the acceptance by money market funds of VRDP as an appropriate investment for such funds; the acceptance by the market, and demand for, VRDP in amounts sufficient for any Nuveen fund to refinance all or a portion of its leverage; the need for leveraged Nuveen funds to obtain formal fund-by-fund board approval of various types of specific proposals as they are developed and finalized; the need to obtain any necessary regulatory approvals for the issuance of VRDP or the implementation of the Nuveen funds' plans to restructure their leverage; the effects of changes in market and economic conditions and other additional risks and uncertainties. Nuveen and the closed-end funds managed by Nuveen and its affiliates undertake no responsibility to update publicly or revise any forward-looking statements.

CONTACT:

4 of 4

BUS Nuveen Investments Announces Board Approval of Tender Option  
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